The Washington Monthly

JUNE 1971/ONE DOLLAR

BUSTING OUR MENTAL BLOCKS ON DRUGS AND CRIME

Age-ism: The Liberals' Prejudice

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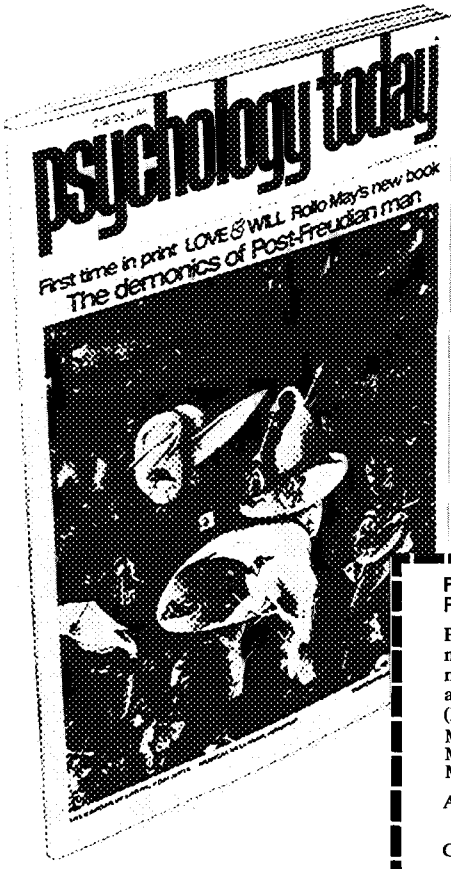

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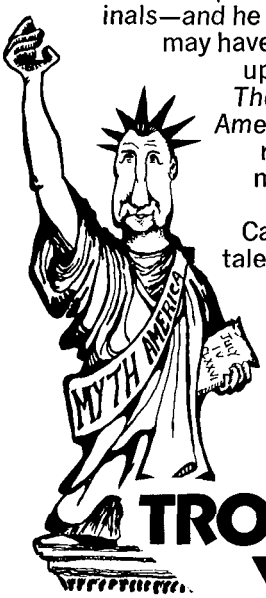

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Letters

Electronic Battlefield

I very much enjoyed the automated battlefield ["The Electronic Battlefield: Wiring Down the War," by Paul Dickson and John Rothchild, May]. Although the subject is humorously treated, the article raises some very serious points. It is one further result of our tragic involvement in the Indochina War and our emphasis upon defense rather than domestic needs.

DONALD M. FRASER
Washington, D. C.

Mr. Fraser is a U. S. Congressman from Minnesota.

The Burn Ward

Anger was my first reaction to "The Burn Ward" [by Ronald J. Glasser, April]: There should be a law against publishing that kind of obscenity. Maybe because half-way through it there was a lump in my throat and tears in my eyes. (Maybe remembering my own two-year hospitalization with a burn.)

Perhaps the photographs of napalmed villagers, the My Lais are yet too remote for our calloused eyes and ears. They lack the impact to jar those responsible to action. What our decision-makers need is a tour of the burn wards. How many round-trip tickets can be had for the money that might otherwise be spent on a full-page moratorium ad in the New York Times? How much more influential would the experience of that tour be?

Further, the next march to the Capitol steps should be by those burned, armless, legless, sightless sons. It would not take 300,000 for impact.

JACK PREBIS
New York, N.Y.

If anything will bring home to the American people the criminal obscenity that is the Indochinese War, it is "The Burn Ward." It is a vicarious experience that rends the heart and soul. One that I will not—cannot—soon or easily forget.

This war is a wanton wastage of a precious human and natural resource. This war must be stopped. Now.

It is all so needless.

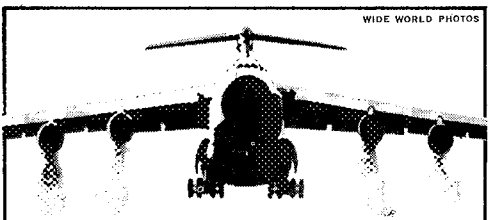
JOSEPH C. DAVIS, JR.
Norfolk, Va.

Pete McCloskey's introduction and "The Burn Ward" were especially moving; the latter was devastating.

OGDEN R. REID
Washington, D. C.

Mr. Reid is a U. S. Congressman from New York.

WIDE WORLD PHOTOS



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Busting Our Mental Blocks on Drugs and Crime

by Suzannah Lessard

Just as all people are potentially addicts, Americans have a susceptibility to paranoia—whatever form it may come in, the receptor cells are waiting. Dope provides the perfect, irresistible fix. A substance that is super-potent in tiny quantities, easily concealed in food or drink, which quickly enslaves the user, claiming his first loyalty and best energies, dope makes science fiction tales of brain implants and remote control sound awkward and primitive. It's the ideal agent for the forces of evil, whether they be the communists (a pretty good fix in themselves) or that vaguer but all-powerful darkness that our bones tell us lurks beneath the surface of creation, watching for an opportunity to swallow the frail forces of righteousness. The savage and the forest gave our forefathers rich enough images for their fears but in more complex times subtler vehicles are needed. Dope is not only both furtive and seductive (prime qualifications) but, once established as a symbol of evil in the imagination, it is difficult to dispel the connotations with facts.

The tragedy of these attitudes is that they have in many ways created the very situation they presumed existed. When a drug problem is dealt with in strictly criminal terms, addicts, who for whatever reason are unable to withdraw successfully from their drug, have no choice but to seek out a black market. The dope underworld, in a nation where there are 200,000 addicts and yet heroin is contraband, develops into a grotesque, over-heated form of capitalism. The stakes are high enough to attract the biggest operators, and a small number tend to gain a monopoly. "Junk is the ideal product," wrote William Burroughs, "the ultimate merchandise. No sales talk necessary. The client will

Suzannah Lessard is an assistant editor of The Washington Monthly.

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crawl through a sewer and beg to buy. . . ."

Zealous enforcement only impels the racketeers to more ingeniously furtive ways and the greater risk is reflected in the price, once again benefitting the crooks and victimizing the addict. Under the circumstances he has to turn to crime to support his increasingly expensive habit, and his image as a depraved and dangerous person is reinforced.

The odds for corruption of police are also high. In the course of duty an agent is bound to come across stashes of heroin worth 50 times its weight in gold, not to mention large sums of money. On the other hand, an addict is easily manipulated by the police. By promising him his fix one can get him to betray his closest associates, a nasty practice which only escalates the mistrust and violence of the subculture and never leads to the upper echelon of a ring, which, for this very reason, is scrupulously non-addict. Yet none of this is necessarily peculiar to heroin. If there were 200,000 diabetics in the country and insulin were declared illegal, the same situation would quickly develop.

The publicity given projects like Syanon and the methadone programs has educated people to separate the addict from the syndrome that traps him, and the large-scale importers of heroin have been singled out as the real culprits and the proper objects of police action. But whether smuggling can be controlled is still a question—the quick profits are so tempting that the minute one source is cut off another fills its place. If they close down the Marseilles operation someone will set up shop posthaste in Tunis. Like a river, the drug trade seems to find its way around whatever obstacles are put in its path and nothing seems likely to stop it. With one exception. If the profits are taken

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out of the business it would be like depriving a river of gravity.

The quickest, surest way of neutralizing the mercenary motive would be to make drugs legally accessible to addicts at normal prices through doctors' prescriptions—in other words, to approach addiction as a purely medical/psychological problem without any criminal overtones. But this would involve a turnabout in social attitudes which is hardly yet begun. The moral connotations—the assumptions that a heroin addict is primarily a person who indulges a weakness, a vice, which, if he had any moral fiber he would kick, and that his vice represents an allegiance to the subversive, the world of darkness—are intricately woven into our concept of addiction. Just as entrenched is the idea that drugs are so alluring that if you remove the deterrence of the law they will inundate society and bring it to a standstill—one more reflection of the puritanical view of man as inherently depraved, and of depravity as an uncontrollable force held back only by the gossamer tissue, the saranwrap of enforced virtue, represented in this case by the Bureau of Narcotics and Dangerous Drugs.

That organization, if not single-handedly responsible for the prevailing notions of addiction, has certainly done its best to reinforce them. The Bureau's size and strength are built on those notions, and its history clearly indicates a unilateral acceptance of them, to the point of harassing people who hold conflicting theories. They have registered enough whiffs of change to abandon cruder propaganda: "No one's saying we haven't made mistakes," says Donald Miller, counsel to the Bureau. Yet the new openness is unconvincing, not because they are malicious or hypocritical but because the mandate of the institution is contingent upon the old ideas. The assumption that drugs are a criminal matter is the flax out of which the Bureau is woven, and the sinister image of narcotics is the magic which sanctifies their activities, often beyond the pale of ordinary police standards. So Andrew Tartaglino, Deputy of Enforcement, might say that methadone programs are a "step forward," but a minute later he states that he couldn't even contemplate dispensing a heroin substitute (which is what methadone is) to addicts in order to control their craving. "Aside from the moral issue, that doesn't wash with me. You have 100-200,000 addicts in the United States and people dying of overdoses. I don't think that substitution—legalizing a very, very dangerous drug—is the answer."

This sort of split-leveling and side-slipping is not confined to the Bureau. Several of my friends initially said they were all for legalization, but then on further prodding contradicted themselves. Which is not to say that the issue shouldn't be questioned, just that the questioning should go to the heart of the debate between the criminal and medical concepts, to the root assumptions on which we have based our understanding of the problem of addiction. Since the Bureau has been the evangelist of that gospel, a short look at its history and the history of drug control in this country is to the point.

In the 19th century, the mechanics of addiction were not understood and opiates were used for all kinds of medical treatment, including headaches. Patent medicines, loaded with opiates, were available over the counter and morphine was used heavily in treating serious but common ailments like tuberculosis. As a result of these practices, narcotic use was not confined to romantic poets: large numbers in all classes, particularly women, were addicted. They supplied their need with readily available drugs. Around 1850, large numbers of orientals came into this country, bringing their habit of smoking opium. They were not a popular group, and consequently their opium-smoking began to assume unsympathetic connotations, although it was probably not connected in the public imagination with

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—Donald Miller, Chief Counsel, Bureau of Narcotics and Dangerous Drugs

the genteel ladies who made regular visits to their pharmacies. Later on the lurid overtones of "dope" were enriched by rumors of cocaine-crazed rapists. But generally addiction, if understood at all, was considered a medical problem and drugs were available for it.

By 1914 it was recognized that some federal control had to be instituted, and the Harrison Act was passed. The act was a tax law which required that records be kept of all drug transactions and that doctors and druggists register and pay a fee. The act specifically protected the right of doctors to prescribe: "Nothing contained in this section shall apply to the dispensing or distribution of any of the aforesaid drugs to a patient by a physician. . . in the course of his professional practice."

The tricky phrase was "in the course of his professional practice." Though enforcement of the law by the Treasury Department was spotty—carried out by a few revenue officers—it became clear that regular prescriptions were not considered legitimate practice, and doctors were arrested. In 1919 the Supreme Court upheld the conviction of a doctor who had obviously been issuing prescriptions in large volume—peddling in effect. Without consulting medical opinion, the decision held that a physician could not prescribe narcotics to an addict "to keep him comfortable by maintaining his customary use." In a subsequent case the Court ruled that even if the doctor had acted in good faith, he would be guilty.

Several changes took place during this early period (1914-1925). Doctors, seeing their colleagues convicted, simply stopped treating addicts. Illegal markets sprang up in direct proportion to the rigidity of enforcement in the area. And consequently screaming headlines on dope crimes and deaths began to be regular newspaper fare. The Treasury Department's Narcotic Prohibition Unit dug in with enthusiasm. The black market thrived, and addicts driven to it and forced to pay its prices became known at best as wretched, desperate souls in the underworld. "Attitudes toward drug addiction are an historical accident generated by the dynamics of law enforcement," says Alfred Lindesmith, author of *The Addict and the Law.*

Then, in 1925, the Supreme Court overturned the conviction of a Dr. Lindner, who had prescribed a small dose to an addict (an informer as it turned out) who was suffering from partial withdrawal. The Court strongly repudiated the notion that the Harrison Act rendered unlawful a doctor's treatment of an addict patient in the course of "bona fide medical practice," adding that any other interpretation would "encounter grave constitutional difficulties." The opinion described addicts as "diseased and proper subjects for such treatment and we cannot possibly conclude that a physician acted improperly" for prescribing drugs to relieve "conditions incident to addiction." The case, however, did not turn the tide. Doctors were still cowed and, given the public mood, were not willing to risk their careers to establish clearly what constituted "bona fide medical practice." Addicts, like alcoholics, can be

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difficult patients, so they did not have widespread sympathy in the profession. Nobody particularly cared, except, evidently, certain parties at the Treasury Department.

The fanaticism and the punitive spirit that marked enforcement was formally embodied in the Federal Bureau of Narcotics in 1930. The commissioner was Henry Anslinger, who, like J. Edgar Hoover in his domain, set about building the Bureau into a personal empire. The Bureau's existence was predicated on the criminality of drug involvement, whether it be peddling or addiction, and Anslinger's efforts far exceeded straightforward enforcement of the statutes. He tapped political ambition to bolster his own, mounted propaganda campaigns to associate drugs with the most threatening elements in society, and successfully pushed for extreme penalties for drug offenses. Though Congress stopped short of life quarantine for addicts, widespread arrests and heavy terms for addicts were executed for the reason that, in Anslinger's words, "From the practical standpoint it is fundamental that a business, legal or illegal, would be bound to fail if deprived of customers."

In the rules and regulations established by the Bureau, the Lindner case was completely overlooked, and in the one publication which did deal with it, the opinion was twisted to actually be a reinforcement of the cases that had gone before. Pamphlets warning of the penalties incurred for violations were sent to doctors across the country, and several circuit courts upheld convictions. Views opposing those of the Bureau were vigorously suppressed.

When in the mid-fifties a joint committee of the American Bar Association and the American Medical Association attempted to publish an interim report which suggested that addiction was a medical problem, the Bureau ordered the publishers to halt publication. And when the report was distributed anyway in galley form, the Bureau published its own repudiation in a paperback whose cover, typeface, and title closely resembled the committee's report. People who advocated unorthodox theories were followed by agents, and material from other countries which undermined the Bureau's position was banned. If Commissioner Anslinger and his T-men did not manage to stem the flow of contraband narcotics into the country, or to control the spread of addiction, they were consummately successful in keeping the lid on what they considered contraband information and in charging the drug issue with emotion.

Included in the suppressed evidence were reports of the success of the British system. After passing a control law much like the Harrison Act, England also stumbled on the problem of treating addicts. But rather than trusting the resolution to chance and enforcement officers, a group of medical men came up with the Rolleston Committee Report in 1926, which condoned the regular prescription of opiates by a physician to an addict in order to enable him to function normally. At that point our histories parted ways, for addiction was kept at a minimum in Britain as was illegal trade in heroin. The situation remained stable until about 1955. When forced to confront the comparatively low rate of addiction in England, the Bureau to this day refers vaguely to some innate British national characteristic which renders them less prone to addiction. "There is something in the psychological makeup of a person. British types just aren't as prone," the Bureau's Director of Public Information told me.

In the last decade heroin addiction in Britain increased, probably due to the emergence of drugs as a symbol of rebellion. Then, all of a sudden, the statistics soared. In a widely read story in *The New York Times*, the sudden increase was taken as hard evidence that the legal system wasn't working. The increase in numbers did not reflect a spurt of new addicts, however, but simply a sleight of statis-

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tics, caused by a new program requiring that doses be limited and that doctors notify the government of any addict patients. As expressed in a 1969 report to the United Nations: "1) The system of compulsory notification of addicts by physicians brought to notice addicts who might otherwise have remained undetected by the Central Authority. 2) The system of allowing only specially licensed physicians to prescribe heroin for addicts, and the consequent reduction in the amounts prescribed, forced a number of undetected addicts to present themselves for treatment instead of continuing to rely for their supplies of heroin on other addicts." In 1969 a similar report indicated that statistics were leveling out, and in the same year the Under Secretary of State reported a decline in statistics. This turn of events has not been reported adequately in this country, so that the misconception persists that the British system of treating addicts as medical patients actually led to an increase of heroin addiction.

The point is that the British addict population remains less than one per cent of ours. (There are about 15 times more addicts in Washington, D. C. alone than there are in all of England.) Their addicts are not trapped in a criminal way of life, their prisons are not permeated with drugs, fertilizing the spread of addiction, and heroin dependence is neither a way of life with large segments of the population, nor a stigma separating addicts from the rest of society. All these advantages may be the result of their humane policy, and the gravity of our predicament the consequence of misguided tactics. But it remains that we have a problem of far greater proportion and more complex nature on our hands. It would be glib to suggest that a belated conversion to the British way would vanquish the heroin epidemic in this country.

However, it would be equally glib to suggest that because of the scale of the problem here, lifting the ban on narcotics should automatically result in uncontrollable spread of the habit. The experience in Formosa in the first half of the century suggests the opposite. When the Japanese took control in 1895, they found a huge addiction problem. The illegal opium trade boomed throughout the Far East, thanks to police complicity, and there were 200,000 addicts on Formosa. The Japanese instituted a government opium monopoly. Alfred Lindesmith describes, "Licensed smokers were permitted to buy their supply from government shops at fixed low prices adapted to the income level of the consumer. The opium dispensed in these shops was of good quality and carefully prepared and blended to suit the tastes of smokers. Licensed smokers were provided with purchase books in which records of amounts dispensed were kept. In 1938 there were 20,000 addicts on Formosa, very few under 40 years of age. Then the Chinese took over and adopted the prohibition system. The habit went back underground, and though there are no statistics, the opium smugglers are plying a brisk trade.

The legal and philosophical issues which have been buried under the Bureau of Narcotics' tireless campaign are pivotal. As Rufus King, who was chairman of the ABA-AMA committee on drugs and is author of a forthcoming book called *The Drug Hangup*,

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bluntly states, "The constitutional basis for a federal prohibition effort against drug use has always been shaky. It is hard to think of any activity further removed from areas of legitimate federal concern than what individual citizens ingest, inhale, or inject into their bodies. And no one had the slightest doubt that when we went off on the dizzy attempt to repress liquor drinking, a constitutional amendment was required." When prohibition of liquor was repealed, however, the prohibition of drugs, which had built up its momentum under the umbrella of the 19th amendment, sailed ahead unquestioned.

Since the drug and alcohol suppression laws developed under the same puritan license, it is curious why the drug crusade continued after the wets had beaten back Prohibition. The major reason was probably the tiny size of the addict constituency compared to the tipplers, and dope's strongest supporters were probably not noted for their political voltage. Also, drugs were not an ingrained part of American—or Western—culture. Addiction was not a familiar condition, and people never thought of addicts as normal people with a problem but as outcasts on the fringes of society driven by satanic cravings. Finally, addiction was more frightening because in the public's imagination it robbed people of choice and self-control. While the bottle was a human temptation with a wide margin of safe use, the poppy was a sure thing, which took over the body and possessed the mind.

Donald Miller, counsel to the Bureau, says that the Bureau doesn't dictate morality, it merely responds to the feelings of the public. "Drugs just aren't accepted in this culture. Alcohol is."

It seems highly improper that popular feelings should dictate the treatment of heroin addiction, a complicated condition about which most non-addicts know very little, any more than they should dictate the treatment of schizophrenics or cancer patients, and even more improper that the problem should be made into a hot issue by uninformed pols who have no need to consider the opinions and needs of addicts but can make ready captial out of depicting addiction as a scourge and themselves as white knights in the battle to stamp it out.

When a law is almost impossible to enforce, and even more so, when one of the reasons is that violations don't produce a complaint because all the parties involved are in accord; when enforcement can be carried out only through entrapment, informers, brutal searches, torture (what else would you call leaving an addict to withdrawal if he doesn't cooperate?), and other violations of ordinarily respected individual rights which characterize narcotics law enforcment, then it would seem that the law is highly suspect. The alleged purpose of the narcotics law is to save addicts from the moral degradation of being addicts, yet in effect it contributes immeasurably to that degradation, drastically reducing whatever opportunities the addict might have for building self-esteem and functioning constructively in society. The premises on which they operate are, to say the least, shaky. Donald Miller explains, "We have accepted industriousness as a way of life. Like two other countries, Japan and Germany, we emphasize resources, productivity, and esprit de corps. Any time something encroaches on our industriousness we begin to look down on it. We as a majority have a right to impose on a minority who become a threat to our way of life, who reduce our productivity."

The people I spoke to at the Bureau professed a sort of jock, matter-of-fact-man avoidance of what they called philosophy, while dropping bijoux like the above. Their non-philosophy has resulted not only in one of the most flagrant violations of persons' rights in our history, but the nurture of one of our major sources of

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"Like a river, the drug trade seems to find its way around whatever obstacles are put in its path and nothing seems likely to stop it. With one exception. If the profits are taken out of the business it would be like depriving a river of gravity."

crime.

Addicts are not the only cause of the rise in crime, but they are the largest single group contributing to the skyrocketing rates and the consequent terror that has been incorporated into every city-dweller's daily life. Although that fear permeates every section of the urban population, the addict tends to prey on his own people in the ghettos, contributing heavily to the violence and the misery which turns those sections into nightmares. The crazy atmosphere is only escalated by the huge increases in police. Some of us will probably soon find ourselves unable to sleep without the constant sound of sirens.

It is fairly easy to understand why policemen can't control the huge volume of crime committed every day by large numbers of well-practiced slum-dwellers who are motivated by an urgent need and hence not likely to be deterred by fear of arrest, but it is a little less obvious why enforcement at the level of importation and distribution of the drugs people are stealing for has failed so miserably. Investigations initiated in 1967 of New York's narcotic enforcement system not only turned up widespread corruption of local officers but exposed 49 federal agents (out of a total of 80 in the Bureau in New York). In Ramsey Clark's words, "Corruption included illegally buying and selling drugs, retaining contraband for personal use or sale, taking money allocated for informants, and failing to enforce laws." In all countries which try to enforce anti-narcotics laws, corruption of agents is a common occurrence—just another characteristic of the business, adding on to the price of the product on the street. In order to effectively penetrate the underworld, an agent must have a great deal of independence, and the opportunities for side profits are constant: a dealer who offers hundreds of thousands for a wink, a cache of heroin worth a small fortune of ready money no one in the department knows about. Temptation never lets up and deviations are nearly impossible to detect.

The irony about this whole symbiotic mess of crime, fear, and corruption is that the cause is starkly simple. The obvious remedy is ignored because of a false premise—that addiction causes crime and therefore the way to get at crime is to stop addiction by wiping out drugs. Addiction to heroin does not cause crime. Britain's addicts are not criminals. Ours are because they cannot get their drugs without stealing to pay for them. If drugs were made available at reasonable prices, the addict would be released from the problem of raising large sums daily, $10 billion (the estimated value of thefts by addicts per year) of private property would be saved, and the atmosphere of violence which touches everyone would be significantly reduced.

The controversy over providing legitimate sources of drugs for addicts in the United States is currently centered around the use of methadone maintenance. Methadone is essentially a synthetic form of heroin developed by the Germans in World War II when they ran short of the real thing. It is interchangeable with heroin, will forestall withdrawal, produces a high if

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shot directly into the bloodstream, and is addictive. The chief differences are that methadone lasts longer—a heroin habit can demand shots every four hours whereas the synthetic drug lasts 24 to 36 hours—and that methadone can be stabilized where heroin creates a demand for a steadily increased dosage, not just to produce a high but in order to prevent withdrawal. In 1962 Dole and Nyswander in New York discovered one other difference. By slowly increasing doses a level can be found where blockage sets in. If maintained at that dose the addiction stabilizes, the addict looses his craving for narcotics, and except for slight constipation, all the side effects of addiction vanish—potency, alertness, ability to concentrate, appetite, and undisturbed sleep return—and the addict becomes in effect normal. In addition, if he shoots heroin when on maintenance, it has no effect on him whatever. A narcotic high is inaccessible to him and can only be regained by breaking maintenance and going through a long and painful withdrawal.

Methadone maintenance for someone who has been on heroin for years, living a life of peaks and valleys, of desperate hustle and euphoria during which all family ties, work, and everyday pleasures and needs are sacrificed to the exigencies of the habit, who has tried countless times to kick the habit and has failed, can be nothing short of a miracle. "You begin to accumulate," said a 42-year-old man who had been on maintenance for 14 months to addicts considering the treatment. "And I don't mean just for a little while and then blow it. I mean really accumulate." He was a powerful black man, calm, articulate, and humorous. An urgent compassion underlay his words. Next to him a man who was probably half his age but ashen and limp-faced, nodded, jerked his head back up in an effort to pay attention, nodded, jerked, and momentarily opened dulled, vacuous eyes. I remembered another young man I had seen, apparently in the grips of a different phase of the cycle. His eyes were wide open and burning with anxiety, and a nervous intolerance marked his gestures. His face glowed with obsession. The monkey was on his back. These two: an inkling of what it means not to "accumulate" day after day, year after year.

Methadone is not a miracle, it is an extreme measure. The average maintenance level of 100 milligrams a day is a very big habit, about double that of the average street addict. One such dose would kill you or me. The tedious business of daily medication is a constant reminder of one's condition, and the threat of being caught in a position where the drug is unavailable never diminishes. Cold turkey withdrawal from a habit that big would be painful indeed. Finally, no one knows what the long-term effects of the drug are. The longest anyone has been on it is nine years. Abstinence is obviously immeasurably preferable to maintenance, but then again maintenance is immeasurably preferable to a street habit, indeed preferable to a legal heroin habit, if such a thing existed.

Objections to methadone maintenance divide roughly into two categories. The first takes the form of insistence that dope is bad no matter how you look at it and that substituting methadone for heroin is like switching an alcoholic from bourbon to gin. These objections are marked by a peevish suggestion that anyone can get off the habit if he really wants to. They also imply that if the government sanctions a narcotic maintenance program it is in effect sanctioning narcosis and that if people see there is an easy way out of addiction they will rush for the needle. "Will there be any deterrence when potential users are assured that there will be no ill consequences from drug experimentation; indeed that addicts may even receive preferential treatment?" said a letter from the Bureau to the *Yale Law Journal* in 1969. As Paul Gerwitz points out in the same journal, "Any argument that methadone treatment is undesirable because it

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" 'The constitutional basis for a federal prohibition effort against drug use has always been shaky. It is hard to think of any activity further removed from areas of legitimate federal concern than what individuals ingest, inhale, or inject into their bodies. And no one had the slightest doubt that when we went off on the dizzy attempt to repress liquor drinking, a constitutional amendment was required.' "
—Rufus King, Chairman of the Joint ABA-AMA Committee on Narcotic Drugs

makes heroin use less risky could be used to defeat any attempt to find an effective treatment for heroin addiction." This attitude is the same as saying that if switching an alcoholic to gin rendered him sober, physically satisfied, and able to function normally, it would still be wrong because the man was still a sinner, even though he didn't experience the delights of gin.

Another form of essentially the same sort of thinking comes in more clinical colors. It reasons that psychological disorders must underly addiction, because only an inadequate personality would become addicted and that by giving an addict methadone you are only covering up the real disease—treating symptoms. There is no question that most addicts have psychological problems, although, as Gerwitz writes, "The personality deterioration and the social demoralization associated with heroin addiction seem more a consequence of our legal and social policy than of opiate use in itself. . . . reduction of the stigma would itself be an enormous step towards realization of an equally crucial goal, the rehabilitation of addicts and their reintegration into society." In any event there is no reason why psychological problems can't be treated while on methadone maintenance—it's the high, the anesthesis which buries mental problems. There is something about the poetic justice of withdrawal which is closely associated with popular notions of addiction. It seems that an addict, having sold himself to the world of darkness, cannot be reborn to the land of the living without pain, and cannot prove he has rejected the nether world—cannot be trusted—until he sustains a very difficult, perhaps in some cases impossible, abstinence.

Institutions like Synanon and Phoenix House are dedicated to cure through therapy and generally consider maintenance an unacceptable solution. However, they suffer a very high rate of relapse, the process takes years, and many of those who succeed find it necessary to stay on in the institution as employees—it has been pointed out that this, too, is the substitution of one kind of dependence for another. In the face of an epidemic, this expensive, long-term, and fallible treatment, however worthy, is simply inadequate. Because the treatment is built around very tough, threatening group sessions, rigorous self-analysis and harsh reproaches from both staff and colleagues, many people just can't hack it. It's hard to think that the middle-aged addict who has been on dope all his life and is just tired of it would willingly submit to such a process and easy to imagine a young addict whose shaky sense of self-worth simply couldn't sustain it. Most of these institutions refuse to describe their success in terms of relapse rates. They say such statistics are irrelevant.

While the people working in the programs are no doubt concerned primarily with the addicts' recovery, other drug theorists have turned their approach into something which sounds more like punishment than rehabilitation. D. P. Ausubel, in his book, *Drug Addiction*, harps continually on the deteriorated morals and

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personalities of addicts, their sneaky ways and recalcitrant attitudes and recommends compulsory institutionalization and psychotherapy for them. He views any form of drug prescription as basically encouraging their moral depravity. He rejects lobotomy as a treatment for no other reason than that it's a short-cut to relieving the craving as opposed to getting to the root of the matter. Like so many other critics of substitution, he leaves you with the unmistakable impression that the war on addiction is a holy war and that any compromise with that craving, or with that evil delight, that purloined relief, is a compromise with the devil himself.

The second category of objections is, in my view, far more formidable. Basically they center around a fear for the rights of the individual addict; a suspicion that maintenance is a cheap, gimmicky treatment which reduces crime rates and thus relieves the pressure on society to find both a real cure for addiction and to solve the problems of poverty and misery which characterize the places where addiction flourishes. That is indeed a danger. The magic effect of maintenance on crime rates converts politicians whom one could ordinarily assume had little sympathy for addicts. For instance, a fairly reliable rumor has it that the reason the Bureau is tolerating the maintenance programs is John Mitchell (since 1968 the Bureau has been part of the Justice Department). The Attorney General's abiding interest is an election which could be significantly influenced by rising crime rates. And so, the rumor goes, he has told the Bureau to lay off the methadone projects despite its antipathy for such enterprises. (Such a conflict certainly explains the waffling that surrounds discussions of methadone with people at the Bureau.) People on the left, particularly in black communities have picked up this line of thought and depicted the projects as a way of keeping the ghettos drugged and harmless. Street rumors, probably encouraged by worried black marketeers, say that methadone makes your bones soft, and such apocrypha reinforce this mistrust.

While the notion that methadone keeps a person drugged, in the sense of being incapacitated, is simply misinformed, the fear that addicts will be railroaded into maintenance and that better solutions will no longer be sought is obviously not far-fetched. But it would be perverse to refrain from offering an addict the most effective relief currently available on the grounds that his condition will spur society toward discovering a more effective remedy.

The maintenance program offered by the District of Columbia Narcotics Treatment Administration provides a living example of how maintenance can be offered to large numbers with a minimal risk of diversion and infringement of individual rights. First of all the Administration offers several different forms of treatment including methadone detoxification (a slow withdrawal on decreasing doses of methadone) and abstinence. Only those hardened addicts who have successively tried and failed to abstain are advised to go on maintenance. Those who do must follow an exacting routine of physical tests and daily visits to the clinic for oral doses (methadone produces a rush only if injected) in front of staff. Anyone who is not truly addicted, or is playing with illegal drugs on the side, is quickly detected by the staff, which includes many ex-addicts who know the drug underworld, the signs of addiction, and the wiles of junkies. The programs include a heavy emphasis on emotional and social rehabilitation—without which the directors consider maintenance useless for many patients—and offer job placement and legal advice. Maintenance programs are only a year old, but so far the rate of success is very high—somewhere around 86 per cent.

And crime is down in Washington, D. C. Maintenance programs were started in February, 1970, and in that year the number of reported crimes in

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"The obvious remedy is ignored because of a false premise—that addiction causes crime and therefore the way to get at crime is to stop addiction by wiping out drugs. Addiction to heroin does not cause crime. Britain's addicts are not criminals. Ours are because they cannot get their drugs without stealing to pay for them."

the District dropped from 36,000 to 28,000, the first significant decrease in 14 years. Police Chief Jerry Wilson and Mayor Walter Washington both hail the programs as a major factor in the improvement.

There are a number of private doctors in the Washington area who have set up clinics where methadone is prescribed more or less indiscriminately. On several occasions undercover agents and reporters have obtained large prescriptions without even giving a name. Several overdoses have resulted from drugs prescribed by these people, which has greatly reinforced suspicion of maintenance as a treatment. But this is a result of bad administration—whether through good but misguided intentions or a desire for easy profits—not an inevitable consequence of methadone use in itself.

At the moment the controversy over methadone dominates the question of legalization, but in the tangle of disputes over effectiveness, administration, and possible abuse of methadone, the real issue of the right of government to deny an addict access to drugs to support the habit he may be unable to escape, or even which he may prefer to maintain, is lost. The only solid basis on which the government could justify interference is that addiction causes crimes, which it does, but not because of the inherent nature of narcotics—on the contrary, they tend to induce lethargy—but precisely because the drugs are illegal, and addicts have to steal to pay for expensive black-market dope. It's when an addict is cut off from drugs that his condition affects other people.

From Billie Holiday's *Lady Sings the Blues* to De Quincey's *Confessions of an English Opium Eater*, the miseries of addiction are well documented. Since most social causes lean heavily on compassion, these miseries feature heavily in the case for making treatments accessible. Conversely, the case against legalization stresses the joys—the euphoria, the softening of reality—of addiction as an explanation for why addicts so stubbornly refuse to reform. Some critics of methadone, for instance, seem maniacally obsessed with the suspicion that people are going to get high on legal prescriptions. There is truth in both approaches. "People forget how sweet the heroin experience is," says Dr. Robert Dupont, director of the Washington, D. C. program. "To moralize to an opium addict is like saying to Tristan, 'Kill Iseult. You will feel much better afterwards,' " wrote Cocteau.

In the same work, *Opium: Diary of a Cure*, Cocteau describes new-found health. "I had found again my unbalanced state of mind; and I preferred an artificial equilibrium to no equilibrium at all. . . Health with this void and immense sadness. The doctors honestly hand you over to suicide." A staff member at one of the D. C. clinics told me about the people who get on maintenance and then start complaining that they feel sick. With careful questioning it turns out that they just feel normal for the first time in ages. "And sometimes they just don't dig it," she said. Well if normality is so distressing and the best remedy the world offers you is drugs, what right does society have to deny them to you? To suggest that this would

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weaken the moral fabric of society is to imply that somehow your suffering, either on the treadmill of addiction in the underworld or in the pain you feel when off drugs, somehow strengthens that fabric.

We all know that except in moderation, any kind of habitual intoxication, whether it be from alcohol or drugs, indicates that something is wrong. We also know that you can't solve the situation by simply denying a person his intoxicant. Whatever is wrong can lie either in fairly obvious environmental circumstances, or, in the obscure recesses of a person's inner life. In the case of inner troubles the problem has to do with a person's private odyssey, a process which is in no way the business of public authorities. In recognition of this fact of life, when an intoxicant is widely abused, the usual response is not to withdraw it but to try to control the abuse through education and medicine. As in the case of alcohol, treatments for the ill-effects are sought and programs are established to help people control or kick their habit. But the programs are not compulsory. It has always been true in Western society that if you really want to go to the dogs you can—as long as you don't interfere with other people's welfare.

It is simply incontrovertible that heroin addicts are driven to crime in order to get money to buy expensive contraband dope which they physically crave. No one, not even the most extreme advocates of the Bureau approach suggests that heroin itself induces violence. As everyone knows, it induces euphoria, a sense of peace with the world and then sleepiness. By no means could one ascribe such gentle effects to our chosen intoxicant.

Alcohol, which is directly responsible for a large volume of crimes and deaths, spurs people on. Alcohol is often a power trip and perhaps it's that knowledge that makes people assume that heroin induces even more exaggerated behavior. But the effects are exactly the opposite: unlike alcohol it is the *lack* of drugs which inspires anti-social behavior, not the indulgence, which produces a gentle, benign condition.

We can't decide against someone who has found a heroin high preferable to "normality" because we are all implicated by our humanity. But we have every obligation to change the conditions which make it preferable for him to retreat into a heroin high rather than engage himself with the world about him. A good start would be to make drugs accessible. Ideally profits should in no way be associated with the distribution—inciting greed to advertise, promote, or in any way push it—and it would have to be kept away from children, but it should be available to those who want it and need it. That way the addict-populated ghettos would not suffer the extraordinary crime rates and the consequent fear, deterioration of social bonds, and abject poverty that come about when a good portion of the population has to spend its time and energies hustling to quell a craving. The only antidote to that particular side effect of making narcotics illegal is a police state, and it is doubtful whether even that would succeed. You cannot enforce reality.

We associate heroin with the transcendental poison we feel is secreted in the chemistry of creation, as red pigment hides in a green leaf. Ironically we also seem to believe that anyone with any judgment would opt for the darkness—that once humanity has tested the sweets of that euphoria it can no longer resist, and that once narcotics are made available, the populace, throwing aside its briefcases and slide rules, will rush into the arms of that smothering delight. But the poison is in our minds, and not secreted, but up front, in broad daylight, manifest in a wholesome, blue-eyed face twisted in its obsession with imaginary demons, its own righteousness, and zealous intent to enforce that righteousness on deviating brothers, at all costs. ■

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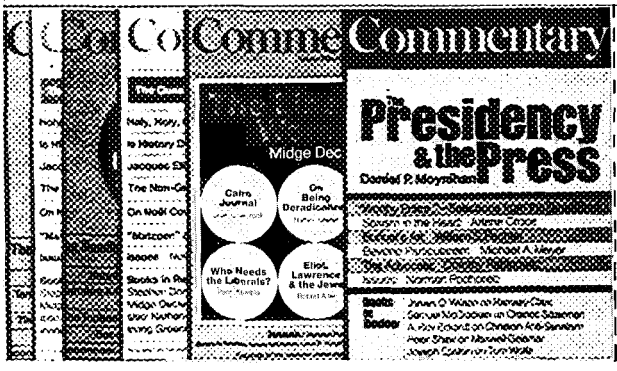

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VIEWS OF THE PRESS:

The Stories Reporters Don't Write

by John Rothchild

When Stewart Loory was Moscow correspondent for the *Los Angeles Times* there was one story he was always tempted to write. It would have been about communism's answer to the plastic dashboard Jesus: the Lenin image factories that stamp out endless posters, icons, and statues. "But you knew if you wrote it, you'd be instantly expelled from the country," Loory says. "You just don't make fun of Lenin in Russia."

Such stories commonly get stuck in the notebooks of reporters abroad who are trapped between two sets of editors—those at the paper back home who can reject articles, and those in the host government who can reject writers. Loory didn't think these dilemmas applied to the domestic reporter, but when he came home and began covering the White House for the same newspaper, he found that you don't have to be in Moscow to be a foreign correspondent, that the local and equally effective counterpart to expulsion is losing your sources.

Loory doesn't know what combination of Lenin-icon stories got him on what is called the White House "shit list," but two or three stand out in his mind as possibilities:

He wrote an article in *The Village Voice* criticizing presidential press conferences.

In March, 1969, he asked his final question of the President before the nation, because he was never called on again. It was in response to the President's saying that he favored neither instant segregation nor instant integration, which prompted Loory to ask whether the years 1954 through 1968 could be termed "instant."

He suggested in a story on the President's visit to Europe that Nixon had gotten a cool reception from the Pope. He knows the Administration read it, because the next night in Bel-

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grade he was walking down the grand staircase in Tito's palace and met Nixon aide Bob Haldeman walking up. "Where did you get the idea the Pope was cool to us?" Loory recalls Haldeman asking. "All you have to do is read the Pope's statement," Loory said. "That's incredible," answered Haldeman, "incredible." Lorry thought it incredible that the White House staff, still in Europe, read the home papers that carefully.

But whether it was these or other things that turned the White House against him, Loory started losing his access to the news. He was taken off the Air Force One press pools, groups of reporters that travel with the President, although after some protest he was put back on for a San Clemente trip. On one Nixon trip to California when the President invited several reporters to interview him while walking on the beach, Loory was left out, even though his was the home paper and would have devoted much more space and play to the event.

Then more serious things began to happen. The *Los Angeles Times*' Washington reporters were not invited to a series of Administration background briefings held to discuss the State of the Union message, prompting Loory to protest to Press Secretary Ron Zeigler.

Later, Loory left the White House assignment for reasons he says were unrelated to the trouble, but his experiences of having news cut off at the sources are common to reporters on beats, who must always weigh the risk that their jobs will become much more difficult or even impossible if they write critical stories.

Jack Nelson, a fellow staffer with Loory, spent years in the South developing what he calls "great sources" inside the FBI. Then he broke the story of the FBI's role in paying two Ku Klux Klansmen, one of whom had already been convicted in the slaying of three Civil Rights workers in Phil-

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adelphia, Mississippi, to set a trap for two other Klansmen so they could be caught in the act of bombing a home. Police in Meridian, Mississippi shot the pair, killing one of them, a woman, and wounding the other, as they attempted to place a bomb in the garage of a prominent Jewish businessman. There is evidence that police never intended to take either Klansman alive. Nelson's story told how the pay-off money was put up by Jewish organizations like the Anti-Defamation League and questioned how the FBI, even in their zest to get some bombers, could resort to hiring murderers and probably agents provocateurs to lure others into a death trap.

Some FBI friends in Mississippi didn't believe Nelson would write the story, and when he did, his sources became arid up and down the line and an FBI assistant director in Washington, Thomas Bishop, began telling other reporters that Nelson drank too much.

Ron Ostrow, who works the justice beats in Washington along with Nelson, had similar difficulties. Word got out at the Justice Department that Ostrow was working on an investigative piece involving Cartha DeLoach, former top Hoover aide who retired from the FBI in July, 1970, and took a job with Donald Kendall, president of Pepsico. Suddenly, sources totally unrelated to the DeLoach story began to shrivel up and Ostrow had trouble finding out information about relatively routine matters.

The night Angela Davis was captured, the FBI contacted most major papers, but not the *Los Angeles Times*. Bureau Chief David Kraslow called Thomas Bishop to protest. They got into a shouting match. In the conversation, overheard in the *Times*' office, Bishop told Kraslow, "When you get rid of that son-of-a-bitch with a vendetta against the FBI, we'll cooperate with you."

And when Nelson and Ostrow teamed up to ask a few questions of the FBI earlier this year, they were told to submit everything in writing. After one exchange of questions and answers, they sent a second group of inquiries, to which Bishop replied, "Your demands upon us have strong overtones of harassment, and some of the questions you have posed are so tainted with false and malicious implications that they frankly do not deserve the dignity of acknowledgement."

Sitting on the Fault

The FBI has not been noted for the subtlety of its reprisals, journalistic or otherwise, since the days of John Dillinger; and there are better, more refined ways to keep reporters prisoners of the source or, conversely, to punish them when they break out. The punitive tactics range from the petty—withholding party invitations, press parking passes, access documents, quick telephone returns—to the serious. Bill McGaffin of *The Chicago Daily News* says the Pentagon got back at him for stories they didn't like by forgetting to provide him a copy of a complicated budget document the night before it was released. While other reporters had the night to sift and interpret, McGaffin got his copy about an hour before deadline. Government agencies can also reward loyalists with official leaks and early breaks on stories, a technique that thrives only because of scoopism, the hangover from the days of the afternoon banner street sale, which values not the best story on an event, but the earliest one.

The prisoner of the source is ultimately the prisoner of the news. If he must go to the Pentagon every day and stick a notebook or microphone in the face of Melvin Laird along with 20 other reporters because each paper wants to retain that sort of false competition, he has little time to go behind the stage to find out what is happening there. And if he does get a story break of the Jack Nelson type, he must weigh its worth against the possibility that the Pentagon press office will retaliate tomorrow. Asso-

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ciated Press reporters worried that Seymour Hersh's Pentagon stories would jeopardize their sources. The reporter's allegiance is to the newsmakers because they are the ones who provide him the daily manufactured product in which he trades.

The other constraint on reporters who have official sources comes when the source is also in the news himself. That is, in deciding whether to use Henry Kissinger as a source of news about foreign policy or to write about Kissinger as a public figure. It is here that politicians can be screened from scrutiny and remain relatively anonymous or even appear as heroes in the press because they are providing access to other kinds of information.

"You come across one source that will make a good story himself," Stewart Loory says, "and you think twice about writing it." All the reprisals that are surmountable for the big stories must often seem not worth it for the little ones. "White House reporters sit on the fault, but they don't write anything until there's an earthquake," says a former top Johnson Administration official, a good source himself. In fact, a special assistant's immunity to press criticism seems to depend on how much information he can pass under the table. Bill Moyers wasn't criticized until late in the Johnson Administration. As long as Eisenhower's man, Sherman Adams, retained usefulness as a guide to the news, his own life was blinked at, until the information on him was too much to be held back, and then all the accumulated details swarmed like a flock of birds attacking and eliminating a wounded comrade. Bobby Baker was such a good Senate source, one reporter says, that it was his access to information, not to money, that kept his dealings obscure for so long. The reason Bill Miller was able to become a vice-presidential candidate, according to a political columnist, is that as a Republican Party official he dealt so deftly in news that reporters refrained from noticing his shortcomings.

The FBI is another example of the effects of imprisonment. Reporters are just beginning to leak the stories they have collected for years, now that Hoover is losing invincibility.

The Balance of Scoundrels

Reporters have different ways of choosing between writing about what a source tells them and writing about the source itself. David Broder, a political columnist for *The Washington Post*, recently did an insider column about a shake-up in the Muskie campaign staff but refrained from reporting a similar shake-up in the staff of another major presidential contender because in the one case he thought there were policy implications important enough to risk losing sources and in the other he didn't. Jack Anderson, inheritor of "The Washington Merry-Go-Round" from Drew Pearson, has a more direct rule: "We will give immunity to a very good source as long as the information he offers us is better than what we've got on him. . . on the same theory that the Justice Department would."

The Anderson Rule is journalism's answer to turning state's evidence, freedom to those who sing. But his offer results in surprisingly few immunities because even though many of his sources are in Congress where the general incidence of muck is high, the probability is that the information he has on them already is just as good or better. Anyway, it keeps the sources on their toes, because, as Britt Hume, an Anderson staff member, points out, "Guys who are perfect scoundrels do business with us," a fact which in itself goes far to insure the continuing excellence of the Anderson disclosures since what they're giving him has to be more scoundrely than they are.

Anderson is a free trader and a muckraker who can afford to risk getting cut off because he neither processes daily events nor depends on a beat. He says that for awhile he was the only reporter with access to Spiro

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Agnew, until he printed a story about how Agnew couldn't escape his oil friends, how a representative of Sinclair Oil was handling his public relations, and how New Englanders were skeptical when Agnew denied he promised the Texas oilmen that the free port at Machiasport, Maine, would be blocked by the Administration. After this article, which appeared in May, 1969, Anderson found his access to Agnew blocked.

If Anderson were covering Agnew as a regular assignment, he might not have written the story, or if he had, its tone would have been markedly subdued.

The growth of specialization in newspapers has brought many advantages in the quality of regular coverage, but it also means there are less floating reporters who are free to investigate and create their own news. Perhaps the greatest cause of imprisonment is time—most reporters are completely occupied on their daily beats. If they come across a major "hard" news story it is doubtful that they will sit on it, but they are not usually able to make their own major news such as *Washington Post* investigative writer Morton Mintz has done with drug companies and their practices. If the newspapers were full of Mintzes, the nature of the news might be drastically changed.

The requirement for continuing coverage also affects the soft news—the analyses, criticisms, or satire of feature writers and columnists. A journalist will hesitate to write that humorous feature about the Sontay prison raid or the tough criticism of Henry Kissinger because Henry might give him that extra bit of information on our policy toward Laos. Peter Lisagor, dean of the White House correspondents, has described a "psychological undertow" that can "obscure and minimize things that the public generally ought to be hearing about." The depth and strength of that undertow, its pull on the news, is probably hard to calculate, even by the man who is being dragged along.

Max Frankel, of *The New York Times*' Washington bureau, says, "I wouldn't undertake a definitive assessment of Kissinger. My opinions are much less important than my continuing report on what he says and does."

This is the crux of prisoner of the source and the paradox of modern journalism. It is news that keeps Max Frankel, one of the best reporters anywhere, from writing everything he knows. In the scale of values, Henry Kissinger's words and actions are more important than Max Frankel's perceptions—to the degree the former is a news figure the latter must be a messenger boy. The whole objective journalism trap assumes that the public figure, the man in the news, can or will be objective about himself, that his words or actions will not be calculated to mislead or deceive. If Frankel wrote his "definitive assessment," especially with his journalistic abilities, it might be closer to what Kissinger is really thinking or doing than what the man tells us or tells himself. But Frankel's assessment would not be news because Frankel is not a newsmaker. Kissinger will still be in the news tomorrow, but Frankel's story will be buried in the morgue files of the *Times*, and Frankel would be isolated from further words and news. It is the problem for all news gatherers who are subordinate to the newsmakers.

Such a problem might be relatively minor with public figures who are not powerful enough so that knowing about them makes much difference, but Frankel's dictum also applies to Presidents. I know one reporter who has an unlimited supply of human, insightful, and funny LBJ stories (an example: LBJ was once asked if he would get rid of J. Edgar Hoover, and he said, "I'd rather have him inside the tent pissing out than outside pissing in"). But many of these, even the ones that could be printed by family newspapers, never got into print. LBJ was able to con reporters into talking to him for hours and most

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of them agreed never to write a word of it, or if they did write it, they did not attribute anything directly to him. It is arguable whether the reporters would have gotten those interviews if they had not let Johnson put if off-the-record. The problem is that since some reporters will always agree to such terms, one never knows what will happen if none did.

All this source business takes on more importance as government occupies more and more of the dwindling white space of the newspaper. The random, surprise event, the murder or the auto accident, have been reduced to six-point agate type on the back pages, as daily life acquires less importance in favor of official life and the pronouncements of high sources. The newspaper reflects the change in the country—with private industry occupying all the advertising space and government taking up the non-profit or news holes and the reporter who shuffles through all the pseudo-events, as historian Daniel Boorstin calls them, sometimes wonders whether news isn't just a non-paid advertisement for the officials. If the Pentagon lies, the journalist can put the lie in a modest amount of perspective, if he has the time to research the inconsistencies, or maybe for Sunday he can make the point in an inside-page analysis, but it is the lie that becomes the news, and the news which furthers its power.

Service Without Embarrassment

In the legislative branch, news tends to be balanced by a phalanx of conflicting but equal sources. For every announcement by a senator there is always an equal but opposite counter-announcement by another senator. But the source problem of the Executive Branch, which is taking up more news space corresponding to its growth of floor space in Washington, becomes a hierarchy of news leading up to the greatest news of all, whatever the President appears to be thinking or doing at the moment. The reporter's task is to make quantum jumps between the sublunary unhappenings that circle the Oval Office, to get on the orbit nearest the sun.

Since people in the Executive Branch often do not want to be brought out in the open, or to contradict their superiors, there has arisen in Washington a bureaucratic alternative to the press conference called the background briefing. This near event, which developed with the full help of the press corps, makes it possible for a source to divorce himself from the consequences of what he says, to trade information privately for the privilege of not being directly quoted. The growth of such gatherings corresponds to the growth of vagueness in government, as several clubs have sprouted up since the Kennedy years—*The Christian Science Monitor* breakfast group, the Overseas' Writers luncheon—at which Administration members come and share with reporters the privilege of information.

The need for the reporter to attend the background has also grown with the paltriness, the uselessness of official announcements. It gives him an opportunity to supposedly hear a government worker in a candid moment, a rare enough occasion in itself, to get the flavor of the inside. The price the reporter pays is protection of the source through an elaborate and to this day not completely understandable set of ground rules—deep background means the reporter can write the information without attributing it to anyone, background means he can write it and attribute a "high Administration source," off-the-record means he can't write it at all. The penalty for breaking one of the rules is expulsion from the club.

There are also myriads of ad hoc backgrounds held all over the government, sometimes running the gamut of ground rules, leaving the reporter with more difficulty remembering what can be printed than what was said. At a recent Pentagon press conference, spokesman Jerry Freidheim was on-the-record when he brought up

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the captured pipe from Laos. But then the newspapers printed that a high Administration source had said the pipe came from a previous raid. That source was Friedheim himself, in the same press conference, but he did not wish to be identified with those words.

The background may enable the reporter to get inside information from time to time, but it serves the government much more than the press—it enables people to float balloons, to make anonymous political attacks, or to make advantageous and untrue revelations for which they are not responsible. When Viet Cong atrocity stories were given out on background, the readers were not aware that they came out of the U. S. Mission, whose obvious political interest in exaggeration was not part of the stories. And the background even enables reporters to become policymakers. Gay Talese, in his book on *The New York Times*, writes about James Reston that "in the *Time* magazine cover story about him it was said that he sometimes planted one of his own ideas with government officials, and, after being assured that it would be discussed, he wrote in *The New York Times* about the idea that was under consideration without hinting that he was the originator."

The problem with background is that when the government is able to put out sourceless news which turns out to be untrue, such as a disclosure of a Soviet missile build-up, the reporter who writes it becomes the source. If he wants to correct the lie in a later story, he has nothing to pin it on except his own story—there are no quotations, no names. There is also no public record of the statements of specific officials, no way to compare what Robert McNamara said today and yesterday about the war because he is merely one "high source" among many.

Some effort has been made to eliminate the background, which wouldn't exist unless the press permitted it, because officials who really want to get information out will do it under whatever arrangement. Max Frankel once threatened to walk out of a White House background unless it was put on the record, which it was. If reporters did this at other gatherings, the same thing would probably happen. "If it was the SDS." says Frankel, "we'd say 'bullshit, if you've got something to say then say it like a man.' Why don't we do this for the government?"

News Anarchy

In spite of the natural tendency not to do so, there are times when sources in backgrounds can convince reporters to sit on major stories, mostly at the Pentagon and State Departments, where reporter-source relationships bleed into the matrix of national security. Seymour Hersh, who later left the Associated Press to break major stories like the chemical and biological warfare program and Mylai (for which he won a Pulitzer Prize), went along with other reporters in not filing the news that U. S. bombers were taking off from Thailand in 1966 to bomb North Vietnam, at the behest of Pentagon officials, who said that if the story were printed the Thais would revoke permission for the flights. George Wilson, while a reporter for *Aviation Week*, didn't report on the development of a new satellite spy system at the request of Robert McNamara. Ten days later, the Pentagon announced the plan. James Reston, in his book *Artillery of the Press*, says he knew about the U-2 overflights for a full year before their existence was revealed by a less careful protector of the news named Francis Powers.

The motives behind this self-censorship are not completely related to imprisonment by the source—these anecdotes come from a period when the Pentagon was still believed, when national security was thought to have more to do with strength against international foes than with Pentagon immunity from domestic political

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opposition. But the danger of disclosing government secrets or weakening its defenses must seem greater, more imminent, when the nation is personified to a reporter by Robert McNamara or John Kennedy, who happen to be good sources as well as good friends. Sources rarely have reason to lament the loyalty of their prisoners, but Kennedy could bemoan the fact that his personal influence over some reporters resulted in their accepting his suggestion to kill the Bay of Pigs story—if they had been a little more distant, perhaps they would not have been conned into the censorship, perhaps they would have averted the embarrassment of the raid.

The press is not usually thought of as having the power to cause events or to keep them from happening. When the reporter was out writing about accidents, murders, and hurricanes, he was merely a witness, a hanger-on and trailer-behind with a note pad. But with the growth of public affairs, of microphones and mimeograph machines, natural events have taken the back pages to staged events, and it is hard to decide, as Daniel Boorstin pointed out in 1959, whether many modern activities such as demonstrations and conferences would be held at all if the press weren't there to record them.

As less and less people make products and more of them make, or attempt to make, news, the role of reporter as creator, rather than witness, of events becomes more pronounced. There has been an event explosion that goes along with overpopulation or the fact that people don't have much to do anymore. Whatever the reason, there is an infinity of possible news—and the debate of objective reporting, whether the writer can accurately duplicate the event must also include the question of whether the event itself is objective or legitimate. It all becomes mushier as announcements drive out activities.

So far, the news anarchy problem has been finessed by papers that continue to produce the words and actions of proven newsmakers rather than bothering to ponder the relevance or irrelevance of what they say, and rather than making new newsmakers through more investigative reporting. The danger of making new news is also that it increases the number of newsmakers in the country, people who are expected to hold quotable opinions on everything. John Kerry became a public figure overnight, and Norman Mailer says he is asked constantly for quotes on world affairs and things he knows little or nothing about.

Hummingbird Prisoners

And finally, there is the reader. He is a prisoner of what the reporters tell him (for instance, this article, while closer to the truth perhaps than a newspaper account, is still not all the way there—I have deliberately left out several stories that were "off-the-record" because I became a prisoner of several sources in doing the research). But, along with the entire country, he is also a prisoner of the concept of news—wanting to work where the action is, unwilling to implement programs because implementation does not bring publicity, going from one new agency or organization or project to another, and leaving as the headlines shrink to the back pages. Nobody knows how much effect our love for news has made mental nomads of us, working for civil rights until racism no longer had news value, then shifting to ecology, and now with a third eye out for something else. The emphasis on change creates a need for immediate feedback, a cheapening of experience—while the world is strip-mined, we scratch the surface of each problem and leave it scarred and behind.

We have much faith in information as a solution to problems, but then mostly the information goes somewhere else and the problems are still there, but we follow the information and the microphones, like cow birds, looking for that shred of significance. ■

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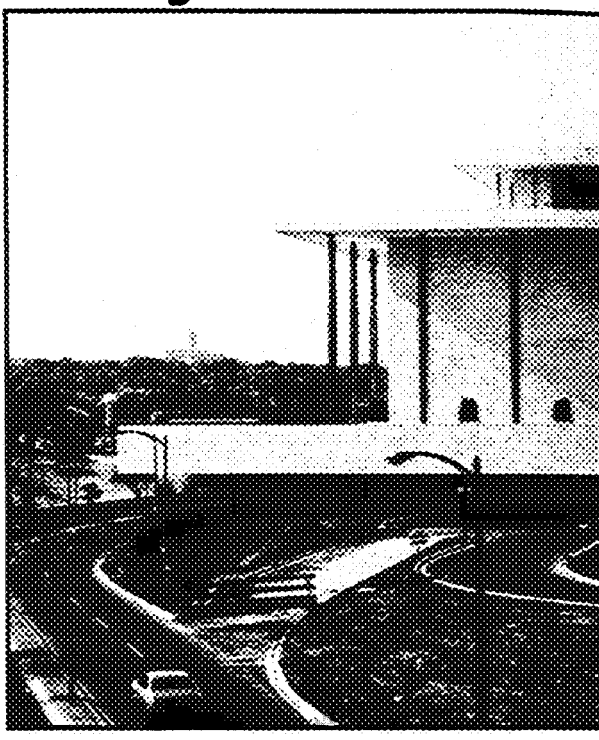
Kennedy Center: Brand Name Culture in Another Rayburn Building



by Barbara Raskin and Helen Goldberg

Looking like a huge white whale washed ashore and grounded forever on the east bank of the Potomac River, the new John F. Kennedy Center for the Performing Arts opens its premiere season in September. The pure white marble building spreads awkwardly over a two-block stretch of shoreline, trapped in a net of criss-crossing freeways. Dedicated as the only official national memorial to President Kennedy, the Center is also a symbol of American anxiety about monuments and a colossal statement of an Academy-Awards, show-business idea of culture.

The Kennedy Center is 630 feet long, 300 feet wide, 100 feet tall and dipped in 3,500 tons of Carrara marble. It can swallow and seat 6,500 spectators simultaneously, tuck 1,600 cars inside its belly, and theoretically devour 10,000 tourists daily. Secured at the cost of a cool $66.4 million, the Kennedy Center is hemmed in and anchored by the Watergate apartment complex—bedroom of the Nixon Administration. Stranded far from Washington's urban milieu, hung up and strapped by a lack of imagination, the Kennedy Center is strung out financially, structurally, geographically, and ideologically.

The story of the Kennedy Center is illustrative of what happens when high-level politics meets high-octane art, with big money and the life style of the wealthy as the medium of communication between the two. There is an unblushing emphasis on the pageantry of the cultural event as a celebration of its importance. Unfortunately, the Kennedy Center has given vent to some of the worst instincts in both politics and art—with the result that art has been used as an

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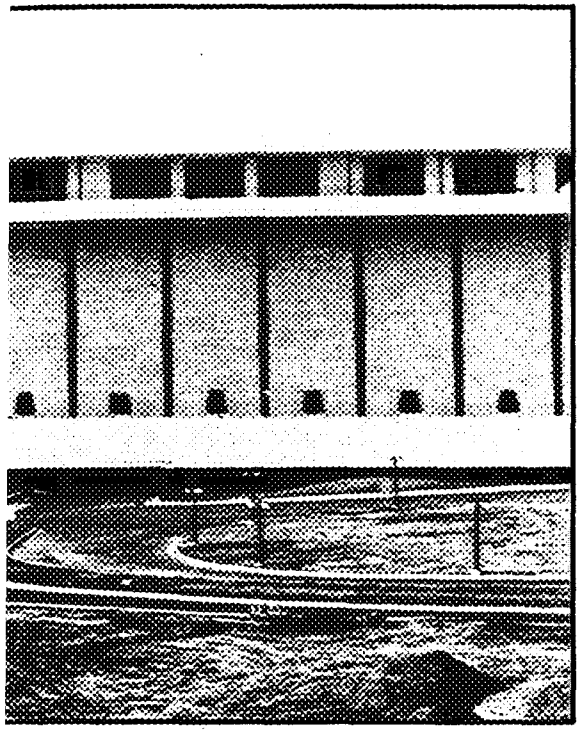

ego-booster for the powerful and the very chic. Meanwhile, the ideal of a national center for the encouragement of cultural expression has thus far gone begging.

During the 1950s civic-minded Washingtonians such as Agnes Meyer began to publicly express a long-felt need for more auditorium space in the nation's capital. In 1958, culture-conscious Rep. Frank Thompson of New Jersey introduced legislation to create a National Cultural Center. Since culture takes a low congressional priority and appropriations must be justified in political terms, a "culture gap"—like the missile gap that was freaking out politicians in the late 1950s—soon developed. Even Senator Fulbright, a Kennedy Center trustee, said that it was during meetings of the Senate Foreign Relations Committee that he became aware of the fact that America was a second-class cultural power with serious auditorium deficiencies. Roger Stevens, when he became the moving force behind the Center and chairman of its board of trustees, testified before Congress that the absence of a proper place for the performing arts in the nation's capital was internationally an insult to our image. "How far we have fallen behind the other countries of the world can best be illustrated by the fact that a country as poor as Poland has built a center costing $45 million with funds provided by the Soviet Union."

Thus aided by the Cold War, the Fulbright-Thompson bill passed the Senate unanimously and won in the House with a 261 to 55 vote. The legislation provided no federal funds but did provide over six acres of public land, authorized the National Capital Planning Commission to buy an acre of private land, and stipulated that the design be approved by the Fine Arts

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Commission. Set up as a bureau within the Smithsonian, the Center was to be directed by a board of trustees whose actions would not be subject to review by any officer or agency other than a court of law.

Cold War Conception

The bipartisan legislation for a National Cultural Center first designated a site on the Mall, but when it developed that influential Senator Clinton P. Anderson of New Mexico had his eye on this land for a new air museum, the trustees decided it was better to switch than fight. Ralph Becker, an original trustee who also serves as Kennedy Center legal counsel, proposed a shift to the Potomac riverside. However, many people wanted the Center to be closer to the heart of Washington, and squabbling over the location began.

In 1961, Roger Stevens, newly appointed chairman of the Cultural Center's board, asked President Kennedy, who had pledged active presidential support for the project, not to enter the site controversy since public criticism would hurt his fund-raising efforts. Rumors of a location in the central city might have had a particularly adverse effect on his donors. Stevens was totally committed to the riverside location, as was Edward Durrell Stone, the architect selected by the board back in 1959. Originally Stone had designed a five-auditorium, 10,000-seat, domed pavilion, but Stevens knew there was no way to raise money for anything so grandiose. The design looked too rich even for America's bluebloods, and President Kennedy was shocked by the building's cost and height. It should, he insisted, be lower than the Lincoln Memorial. So Stone flattened his vision (by 18 inches) and came up with a "modest," $30-million, triple-treat economy package. In 1962, Jacqueline Kennedy unveiled Stone's new model to a select group of culture patrons and performers who were expected to help raise the necessary construction funds. The National Cultural Center, infused with New Frontier enthusiasm and advertised via a Kennedy-style, closed-circuit TV fund-raising spectacular, was slated to open in late 1965.

Only a few weeks later, the nation was paralyzed by the assassination of President Kennedy. One hour after the President's burial, Lem Billings, a close family friend, called Ralph Becker to a meeting at the White House. Those present, including Stephen Smith, discussed details of turning the Cultural Center into the official "living memorial" to the slain President. A few days later, the Washington *Star* suggested in a front-page editorial that the Cultural Center would be a fitting and appropriate memorial for a President who had taken such an active interest in the arts. During the period of national mourning, 18 different bills were introduced on Capitol Hill to rename the Center, dedicate it as a memorial, and for the first time authorize an expenditure of federal funds for its construction. After two days of an unprecedented joint session of the Public Works Committees, Congress unanimously approved authorization of $15.5 million in federal matching funds and a U. S. Treasury loan of $15.4 million to pay for parking facilities. On January 23, 1964, President Johnson signed the John F. Kennedy Center for the Performing Arts Act.

Coliseum on the Potomac

Thus began a monumental act of grandalism starring Roger L. Stevens, who had prepared for the leading role by playing the parts of broker and booker. As a real estate tycoon he had headed the syndicate that bought and sold the Empire State Building. Later he went on to cast himself as the heavyweight Broadway producer of such shows as "Sabrina Fair," "West Side Story," "Mary, Mary," "Ondine," and "The Pleasure of His Company." His commercial and Broadway successes (plus his reputation as a big fund-

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raiser for the Democratic Party) which originally got him into the cast of the Kennedy Administration, now led him to the title role of Special Assistant on the Arts to President Johnson from 1964 to 1968 and chairman of the National Council for the Arts. Stevens consistently charted his course by the stars—all the world-famous entertainers who would play the Center.

Although Stevens rode high on the first crest of emotional and financial support for the Kennedy Center, stormy conflict over the site again broke out after the first wave of contributions ebbed. William Walton suggested three separate auditoriums in various parts of the city; if a single center were irreversible, it should at least be located centrally so that it would receive and generate some cultural action in the city. The American Institute of Architects urged relocation of the Center to Pennsylvania Avenue, and the Architectural League of New York followed suit. But Stevens stuck to his guns, insisting that the river was "ideal" on practical and aesthetic grounds and that "architects are qualified to build buildings, not make real estate decisions." Displaying his own expertise in site selection and his sensitivity to the social and economic ramifications of isolating the Center from the central city, he bragged that "the Center will rise between two heavily traveled bridges between D. C. and Virginia and is close to several expressways." Then he fired the near-fatal shot at the opposition by announcing that bids for demolition would open on September 9, 1964.

It was hard to battle such fervor, as well as the fear that further contention would hurt fund-raising. Finally even Robert Kennedy, despite rumors that he and others in the family favored relocation, issued a lackluster two-sentence statement that the Kennedy family would abide by the previous decision. This announcement cleared the way psychologically. On October 21, 1965, crews began to raze the site to make room for the giant flat-top in one of the last remaining pockets of white Washington.

The inaccessibility of the Kennedy Center is clearly its first major triumph. While the Center is as close to suburban Virginia as it could get without falling into the water, it is most clearly seen from the social heights of Georgetown, from the rear end of the curvy Watergate co-op that nudges it from 300 feet away, and by the birds living in their sanctuary on scraggly Theodore Roosevelt Island in the middle of the Potomac. Because it is only inches off a busy parkway, suburban culture consumers must maneuver some sharp exits—but are thus spared any view of the inner city. The route to the Center for the cityfolk is much more difficult. Walking there is almost impossible; Stone's design provided no footpaths or bridges. There is no way to walk around the building, no nearby streets to park on, and no adjacent outdoor recreational areas. Presumably D. C. Transit will operate bus service to the Center. But the subway, not slated for full operation until 1975, refused the request for a Kennedy Center station, claiming insufficient passenger estimates, and the nearest stop will be five blocks away.

Those who do make it to the Center will be rewarded with a view of its cold ugliness—a structure that turns its back on Washington and only squints at it imperiously through some narrow slits in the marble.

The building is ugly because it was designed that way by architect Edward Durrell Stone, who observed that "Washington is a city of white marble buildings." Although a group of nationally recognized architects offered to have a design contest for the Kennedy Center, the board gave the job to Stone because he is fashionable and well-connected. The building suffers from grand motives that didn't quite make it. The planners wanted it to be special and set apart; but they could not avoid placing the site just off the highway like a huge, sullen, highway patrol station. They wanted

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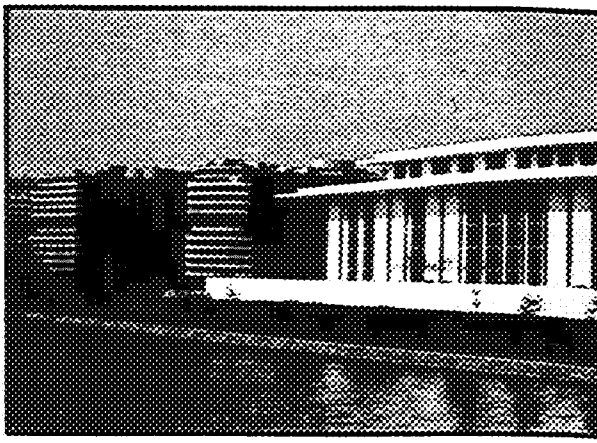
it to be regal; but they fell prey to the same muscle-bound-marble look that plagues the infamous Rayburn Building.

Wolf Von Eckardt said, "The only lift a visitor gets [from the building] is in the elevator coming up from the basement garage." Culture customers will surface in the Hall of Nations or the Hall of States leading into the Grand Foyer. Ingeniously described by a staff member as the "largest unsupported room in the world," the Grand Foyer runs the entire (630-foot) western length of the building, the only side that is not solid marble. "Looking down the grand corridor," says Roger Stevens, "will be like looking down Fifth Avenue from 57th to 54th Street."

The three large theaters opening off the Grand Foyer are the Opera House, with 2,300 seats, where musical comedies, opera, and ballet, will be performed, the Concert Hall with 2,744 seats, and the Eisenhower Theater for drama with 1,100. On the second level there will be a 500-seat movie theater that can be used for lectures, chamber music, and experimental or children's theater. The function of the attractive roof terrace is sadly limited by the noise of jets coming in low for landings at National Airport.

But even if the terrace is noisy and the garage congested, the Kennedy Center will be lit up like Broadway. The crew of trustees was highly successful in extracting tribute from foreign nations. Although Italy contributed marble worth over a million dollars, ransom was most often paid in the form of crystal, and chandeliers poured in from all over the world. One staff member was hired simply to keep track of the glass prisms. Apparently many foreign governments quickly saw the Kennedy Center as a showcase, because they began hanging lights on it as if it were a Christmas tree. Austria, Ireland, Sweden, and Norway all made gifts of glass fixtures; expensive, elaborate, ornate, and ostentatious lights hang all over the Kennedy Center, even in the



men's room.

Fourteen of the Orrefors chandeliers and matching wall sconces are gifts of the Swedish government. The Kennedy Center had to purchase the additional four. Ireland's gift won't be on view to the general public since that chandelier will hang in the presidential lounge of the Opera House. Belgium gave so many mirrors that staff members can now proudly compare the Kennedy Center to Versailles.

Private Enterprise Serves a Fete

Despite these trimmings, the Center is such an esthetic thud that the high costs are particularly painful. Of the $66.4 million estimated cost, the federal government gave $23 million in matching funds and $20.4 million in loans, none of which is likely to be repaid. The contract was awarded on a cost-plus basis, without open bidding—and has suffered a $20-million cost overrun since 1964. The overrun itself is, of course, nearly routine, but some of the contract estimating was carefree enough to demonstrate that money is no object in matters of high art. A 33 per cent underestimate of the amount of required structural steel, for example, alone cost an additional $2.7 million.

The true Kennedy Center patron was not overly disturbed by the overrun. It did, however, require Chairman Stevens to ask the Congress to bail out the Center with additional funds in

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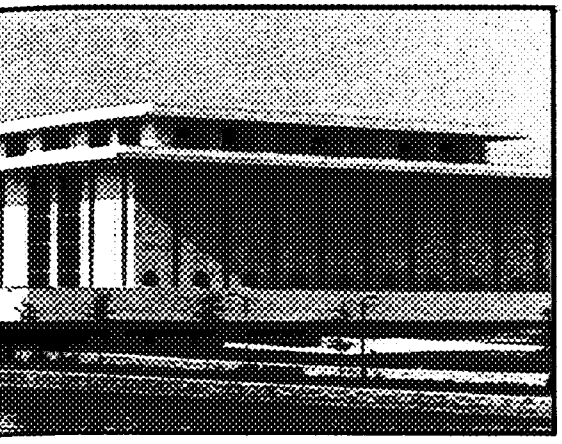

1969, when the official cost was still set at $46 million. Without more federal money, the whole idea could not stay afloat and would have to go into mothballs, he argued. Newspaper editorials and advocates on Capitol Hill cried that leaving the Center half-finished would be unthinkably embarrassing and a blow to our prestige. Stevens, who had secured semi-private control of the Center by assuring Congress that government funds would not be needed, moved toward the modern entrepreneur's dream: private control, public money. The death of President Kennedy had given him a start on this path, and he learned well some of the techniques perfected by such disparate groups as the South Vietnamese government, Lockheed, and the Penn Central—techniques for wringing subsidies out of Congress with threats of an unpalatable collapse. It worked in 1969, and Congress anted up another $7.5 million for the building and added $5 million to the Treasury loan.

Although Stevens repeatedly assured Congress that the Kennedy Center would be self-supporting (there is no cultural center in the country that is) and said he would not ask for any operating funds, he will certainly return to Congress in the near future to ask for more money. The epic proportions and ample trimmings of the building assure that operating costs will always be high. Stevens believes that the government, as it does for other presidential memorials, should pick up the tab for maintenance, security, gas, heat, and all that chandelier electricity.

If the board of trustees had not gotten so carried away with building strategy, worried so about whether Haile Selassie would be suitably impressed upon alighting for a concert, constructed a garage where each parking space cost $10,000, or added decorative wings on the outside pillars to the tune of $200,000, they might have conserved more leverage with Congress for appropriations needed to carry on artistic and educational programs.

The culture managers who peddled the Kennedy Center believe private business should not suffer even when transacted inside a national shrine. Talk of rentals, caterers, leases, concessions, contracts, agents, and percentages makes the Kennedy Center sound as much like a business office as a federal monument.

Originally revenues from the 1,600-car garage were to be used by the Kennedy Center for repayment of the U. S. Treasury loans. But the garage has now been leased out to APCOA, an affiliate of ITT, who advanced the Kennedy Center $3.5 million when the trustees most needed it. During the 1969 debate, several Congressmen wondered how much the agreements made with concessionaires would diminish the Treasury's lien on the revenues of the Center. The restaurants, catering facilities, and all other food and drink concessions have been leased to ITT's Canteen Corporation. *The Washington Post* reported that "the planners of the Center's three restaurants are banking on on-site parking, panoramic vistas, elegant decor and gourmet cuisine." The showplace main dining room features $10 entrees.

However, with a show of democratic diplomacy, the management is also installing a cafeteria—with a mess-for-the-masses type menu—and a coffee shop to be decorated for their taste with bulldozer-filled photo-

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graphs of the Kennedy Center during various stages of its construction. The main dining room gets the view of the river; the cafeteria looks over the expressways. Original plans to serve outside on the terrace will be determined by customer tolerance of airplane noise. Anyway, ITT and its subsidiaries are now responsible for parking and feeding more than 6,500 people all at the same time.

Tourists will have to pay an admission fee to walk through the Center. The programs will be printed by a division of the *Saturday Review*. Negotiations are under way to lease the gift shop, and even the hat-check, box-office, and maintenance services will be franchised out. Lounges, convention facilities, and multi-purpose space are available for rental to private groups like the American College of Surgeons and such official groups as the White House and State Department. Soon after the official opening, the World Bank has reserved the entire Center for an evening of food, drink, and entertainment.

Haldeman, Marriott, and the Flagpole

The almost complete autonomy of the Kennedy Center board of trustees and the strange public-private composition of the Center reinforces an enormous capacity for commercialism. The board, invested by Congress with the duty of maintaining and administering the Center, is composed of 15 public officeholders designated by statute and 30 trustees appointed by the President of the United States for 10-year terms. President Nixon's most recent appointee is Miss Patricia Nixon of California, whose background of enjoying theater and museums was publicly stated as the rationale for her appointment.

An executive committee of the board is actually responsible for financial and cultural matters, but the committee does not include one single artist or any person who might conceivably be thought to represent cultural performers. It is a mixture of wealthy patronage appointments and political overseers, including Robert O. Anderson of Atlantic-Richfield, Robert C. Baker of the American Security and Trust bank of Washington (where the Center has an account), Lew Wasserman of the Music Corporation of America, Jack Valenti, Abe Fortas, former White House aide Harry McPherson, and current presidential heavy H. R. Haldeman.

All the board has to do is submit a yearly report of its operations to Congress and the Smithsonian. The Smithsonian annual report includes several chatty pages about the Center but no financial statement. Objections to granting such broad powers to any agency were raised back in 1958. Once the federal funds have been expended, the Center will no longer be subject to audit, and unless more federal money is pumped in, the Center will be completely autonomous. Because it is formally a bureau of the Smithsonian, the Kennedy Center has not had to file an income tax return.

The act that established the board of trustees said there also should be an Advisory Committee on the Arts, whose appointees "shall be persons . . . recognized for their knowledge or experience or interest in one or more of the arts." However, the current members of this committee who serve at the pleasure of the President, seem to be qualified only by their contributions to the Republican Party. The chairman of the committee, for example, is Mrs. J. Willard Marriott, who is D. C. Republican National Committeewoman—and whose husband is chairman of the board of the Marriott Corporation, a strong Nixon-backer, and a sponsor of Honor America day. The chairman of the finance committee is Vernon Stouffer of the Stouffer food chain. The first official function of the group was a large fund-raising ball held in May. Serving at the pleasure of the board, on the other hand, are the Friends of the Kennedy Center, a volunteer group led by Mrs. Polk Guest. This organi-

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zation has assumed primary responsibility for advertising the Center across the country and selling citizens $5 or $50 memberships. This money goes into the Friends' separate treasury and can be used to support programs that are independent of the Center.

As a major form of fund-raising, the trustees have been "selling" pieces of the Kennedy Center to the public by offering up opera boxes (ITT took four), flagpoles, pools, pillars, and posts. For $125,000 a donor could get his name inscribed on the entrance plaza pool or, for $35,000, on an entrance plaza flagpole. Patrick Hayes' friends "bought" him the Concert Hall Greenroom. Besides this sale of advertising space, the biggest money-raising coup of all was naming the theater after President Eisenhower. Putting one memorial inside another memorial could be embarrassing, but this theater won't be ready for the official premiere in September. It seems that raising funds for the completion of the Eisenhower Theater has been left as a job for the Republicans.

"We are running this place like a piece of real estate," Stevens said proudly. Having sold out art for edifice, he turned the Kennedy Center into a booking agency. Patrick Hayes, long-time impresario and director of the Washington Performing Arts Society (once a ticket bureau and now a non-profit organization that gets volume discounts on Kennedy Center rentals), will present over 70 events during the 1971-1972 season. Hayes said, "We're only booking people who have New York agents. That way you're sure of quality." Maybe. But is that what a national performing arts center is all about?

Alternative to Big Culture

The administrative and artistic officers of the Kennedy Center, under mandate from Congress, have been charged "(1) to provide a national stage for the finest in classical and contemporary music, opera, drama, dance, film, and poetry from this nation and from nations abroad." With all the culture entrepreneurs hanging around, this first stipulation will certainly be fulfilled, but the remaining three provisions are more problematic. The Kennedy Center is also to "(2) provide facilities for lectures and other civic activities; (3) through imaginative programming, develop new and ever broadening audiences not only for its own theaters but for theaters and concert halls throughout the nation; and (4) to provide opportunities for the growth and experience of young performers and young audiences, and to provide for other age groups as well."

The exact direction of the public service component demanded by Congress of the Kennedy Center still seems uncertain. At one point Stevens said, "If you want public service, find someone to pay for it." But a more frequent staff response to the question of what the Kennedy Center is going to do for the public is a description of plans for cheaper performance tickets for the poor, the young, the old, servicemen, and students. The "reduced," "discounted," or "subsidized" ticket plan was described by Stevens: "Some people are talking about 25 per cent of the house seats to be set aside at lower prices. But I hate to think in terms of set percentages of lower cost seats. We will play it by ear. . . . Sometimes we'll have large empty halls and need to fill them, other times we'll sell fewer of these reduced tickets."

For years, Roger Stevens implied that the Kennedy Center would be the home of national companies, suggesting that the United States would now join those nations who officially select, support, and sponsor performing arts groups on a permanent basis. Washington, D. C., city of transients and shuttle-bugs, would have been culturally enriched by resident and repertory companies rather than touring groups and one-night-stand performers. Instead, Stevens devised an arrangement whereby the National Symphony and the American Ballet

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Theater would be "known" as resident companies,. Actually they only rent space for an agreed number of events each season.

The same variety of performing artists that have always breezed through the nation's capital on the culture and campus circuits will still play Washington, simply stopping at a new address. There will be the same pianists, Eastern European choruses, ethnic dance groups, the best symphonies, ballets, opera companies, hot Broadway musical comedies (24 weeks a year) and eventually theatrical productions and a film series. But the huge cultural shopping center offers nothing specifically "local"—any more than it offers anything truly national.

As plans now stand, there is no policy or system for capturing the multi-cultural consciousness of a country that is ethnically, regionally, and artistically diversified. Neither is there a method for presenting the vast range of American cultural experiences—instead of pre-packaged, establishment-style productions. A national cultural center should be more than a building that rents auditoriums to theatrical agents. It should be a *center*—central to the culture of the country—and it should reflect the national diversity that has yet to be fully explored or presented in America.

On the other hand, the Kennedy Center still has no plans by which it could become more traditionally influential. There is no movement to make the Center a symbol of artistic excellence—a practice which President Kennedy tried to initiate through the awarding of medals for artistic achievement. The Kennedy Center has not developed programs to support new experimental art forms, or to provide performing opportunities or competitions for new performers, or to build active endowment programs, or to become a proving ground for regional groups, or even to represent the performing arts as a lobby before Congress. It has made no provisions for a truly representative program selection committee drawn from various artistic communities and regional sections. Program choices are made by the executive committee of the board of trustees with the ultimate decision in the hands of Roger Stevens.

There are no programs by which it could achieve the official stature of the Academie Francaise or the Nobel Prize (neither of which need a three-ring circus building). The Kennedy Center doesn't yet have the quality of an institution whose recognition of performing artists carries great weight and status. There is no official repertoire group, no school for filmmakers, no awards for distinguished performing artists, no sponsors for visiting guest conductors, no funds for commissioning art works, no scholarships or fellowships for students. There exist no plans for establishing the Kennedy Center as an institution apart from its building or for creating new audiences despite the cultural energy that is being displayed throughout the society.

A great deal of damage has already been done to the ideal of a national cultural center merely by the construction of Moby Dick. Moreover, control continues to be exercised by a very closed group of people who mix large quantities of money and politics with their concern for the arts. They have succeeded in performing an old function of the arts—to provide class and style for those concerned about the rawness of their money, while providing power and status for the ambitious movers among the artistic intelligentsia.

Perhaps Congress and an awakened public can rescue the Kennedy Center from this expensive, puffy concept of cultural expression. The program itself should serve America's artistic diversity—enouraging young and unheralded performers, while recognizing genuine excellence. It is not too late to make the Kennedy Center gather the expressiveness of all Americans, and not merely the peacocks among us. ■

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Fighting Seniority with Bigotry

by Robert N. Butler

A remarkable consensus is developing in favor of one diagnosis for the tired blood and other inadequacies of Congress—the seniority system. By this custom, observed in both the Senate and House, a member who has served on a committee in the preceding Congress is entitled to reappointment and to rank in accordance with his years of continuous service on a committee. Moreover, the member of the majority party with the longest continuous service is entitled to be named chairman. In practice, the seniority system means that committee chairmen tend to be old, conservative, and Southern. In 1970, for example, conservative Southern Democrats held half of the committee chairmanships in the House and eight of the most important ones. There is obviously something unrepresentative and wrong here, and reformers have focused on seniority as that system which perpetuates an impervious wrinkled wall of old men guarding against democracy.

Robert Butler, a psychiatrist and gerontologist, is co-author of the book Human Aging.

The trouble is that too many of the arguments marshalled against the seniority system arise from age prejudice, age-ism. Having sidestepped some of the real substantive issues of power distribution in Congress, seniority reformers sometimes resort to slurs about the indolence and mental sluggishness of old people as a major reason for overhauling Congress. This kind of thinking reflects one of the only forms of minority group bias that is increasingly applauded rather than being attacked. Televisions have replaced grandparents as storytellers for the young, and a thousand other signs indicate that Americans find old people obsolete and generally in the way.

With incredible insensitivity to 10 per cent of our nation's people, a landslide of recent speeches, columns, and broadcasts has ridiculed the very state of being old. The message is that the seniority system must be reformed because present committee chairmen are old, and therefore incompetent. *The Washington Post*, among many newspapers, urges reform of a system where a chairman may hold power

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"after age has sapped his awareness of what the country at large is thinking and doing." Many of the chairmen about whom the *Post* is exercised, however, were of the same persuasion when they first entered Congress in their 30s and 40s.

Mandatory retirement for committee chairmen has been seriously discussed by Senator Bob Packwood (R-Ore.). Representative Paul McCloskey (R-Calif.) noted that the average age of the presidents of the 25 largest U. S. corporations is 57, while most major House committee chairmen are in their 70s. Private industry would not stand for keeping such old men in top jobs, McCloskey argued, and neither should the Republican party. Thus, a Congress that wouldn't consider excluding a person on account of race or sex or religion, is seriously considering discrimination of the most blatant sort against the old.

Recent calls to "take the seniority issue to the people" really mean that Americans' negative stereotypes about old age may be used increasingly in political campaigns against individual candidates. Some politicians are exploiting the popular notions that people become more conservative in old age, that senility is an inevitable consequence of growing old, and that views tend to stagnate over the years. These assumptions of the aging process need closer examination.

Fresh Wrinkles

No substantial and acceptable theory has developed that relates conservatism to an inherent aging process. We believe that different kinds of conserving tendencies exist in the context of several different life stages. Childhood may indeed be the period of greatest resistance to change. Dependent on his environment for survival, a child constantly strives for security in sameness, repetition, ritual. Then there is the conservatism of obligation, most important to middle age. Hard pressed by responsibilities toward both the young and the old,

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the middle aged have the greatest income and the largest demands upon them. They run the shop, support the family, and are elected to office. They are considered responsible for the *status quo*. Third, there is a conservatism of continuity, that is, the need of the old to appraise, extract, and pass on that which is worthy. Empirical research on political conservatism is scant and conflicting; yet studies of political behavior of age groups generally have found various other identifications more important than age. Regionalism, personality characteristics, racial identification and class determinants that have influenced people's decisions for a lifetime are not easily replaceable by the new fact of being considered "old."

The conservative views held by some older congressmen are often criticized as "behind the times," "backward," and "old fashioned." Such a general condemnation ignores the necessary distinction between individual stagnation and the coherent political philosophy of conservatism, which should be debated on the merits of its underlying assumptions rather than the age of its adherents. Charges that views are out of style stem from "modism" and the same intellectual chicanery that sells soap by trumpeting the latest miracle ingredient. While many of the older congressmen are elected from conservative "safe districts," many of the most conservative members of Congress are young and middle-aged as well.

In 1970, *Congressional Quarterly* reported the percentage of votes on major issues in agreement with the 1969 "Conservative Coalition," defined in terms of a fluid alliance of Republicans and Southern Democrats rather than any particular philosophy. Of those who voted with the conservative coalition most consistently in the House, eight members were in their 40s, 10 in their 50s, six in their 60s, and four in their 70s. Of those who voted most consistently with the conservatives in the Senate, none were in their 40s, eight in their 50s, eight in their 60s, and four in their 70s. (In the Senate the proportion of 50, 60, and 70-year-olds is approximately equal—31 per cent, with seven per cent younger than 50. The House membership is significantly younger, though not, on many issues, more liberal than the Senate.)

Old Turks and Young Fogies

The use of age against a congressman is, in fact, often a function of one's politics. The liberals who have complained about the age of Senator James Eastland (D-Miss.) or Senator John McClellan (D-Ark.) ignore the age of other elderly members whom they tend to favor. Former Senator Stephen Young (D-Ohio), the eldest member of the Senate in 1970, then age 80 and retiring, was one of the earliest, most vociferous opponents of the Vietnam war. Hardly a day passed that Young was not on the floor denouncing the Con Son tiger cages, wasteful military expenditures or the Kent State killings. Ex-Senators Wayne Morse (D-Ore.) and Ernest Gruening (D-Alaska), then aged 65 and 78, were the only two Senators who voted against the Tonkin Gulf Resolution in 1964. Senator Ralph Yarborough (D-Texas), aged 67 in 1970, has an active and very progressive record. Senators Clifford Case (R-N. J.) and Jacob Javits (R-N. Y.), both aged 66, are among the most liberal of the Republicans and further weaken the claim that conservatism comes with age.

Many people believe that all elderly suffer from brain deterioration or some vague creeping "senility." When young people make adults uncomfortable, the latter often discount their behavior by labeling it "youthful rebellion"; likewise, nonconformist behavior of old people is labeled and discounted as "cantankerousness" and "senility." Recent evidence is contrary to the notion that "senility" is an inevitable consequence of growing old.

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The popular notion that older people "slow down" in physical movement has been one of the few characteristics proven to be correlated with age per se as well as with diseases. Although studies indicate that response time is often slower for healthy old people, their actual scores for mental tests are not lower than those of younger people—and indeed in some cases higher.

The real problem in Congress is not that older men are senile and thus should not be in positions of power, for the abuse of power is not the result of "senility." Empire-building, obstructing majority will, the rendering of personal favors, and legislative venality usually occur not because *old* men hold almost unlimited power but because old men hold *almost unlimited power.* (With the rise of women's liberation, some may feel that these evils exist because old *men* hold almost unlimited power, but age is not the critical factor in any case.) The crucial issue is not how old the committee chairmen should be, but how much power they should have, how it should be used, and how the committee chairmen should be chosen.

Congress also suffers from the lack of any institutionalized mechanism for dealing with disability or misconduct on the part of its members, whatever their age. Former Senator Joseph Tydings proposed in his judicial reform bill that the judicial system should handle its own unfit members. Some analogous situation could be developed among the caucuses of each party for dealing with disability or abuses of chairmanship powers. Thus, Senator Eastland might be sanctioned for bucking party policy and obstructing the majority will, not for having another birthday; Rep. McMillan for using his power to give personal favors, not for reaching the age of 72.

Stagnation and The Loved Ones

Congressional and public "disgust," as *The Washington Post* puts it, with elderly congressional leaders is accentuated by the inescapable fact that old men die. All of us must deal personally with the problems of death among those who represent us. On an institutional level, death is more disruptive than a carefully planned succession would be. As death increasingly becomes a phenomenon of the old, we increasingly retire the elderly from economic and social participation, segregating them into communities and commercial pre-burial grounds for their age group. In the few areas where older people continue to perform an important role—in the courts, in the halls of Congress, and the executive offices—there is growing concern. One cannot help speculating that our difficulties with death in America, and our discomfort with old people, may play an important motivational role in the attack on senior people within the Congress.

Opponents of seniority argue that the increased age of leaders hinders a "fresh" approach in Congress, and fosters stagnation. To younger congressmen who see their careers circumscribed by the power of their elders, the problem is the classic one of handing down authority from one generation to the next. "Stubbornness and penicillin hold the aged above me," wrote former Senator Eugene J. McCarthy in a poem about old age.

Also, opponents often claim that the elder congressmen maintain the visions they held years before, while conditions change all about them. This may very well be true, but could result from strong identifications with region, personal background, and a stable constituency more than with age. More importantly, the problem of stagnation in chairmanships is due to an attitude of some who regard their office as a personal fiefdom. The late Rep. Mendel Rivers (D-S. C.) always directed high military expenditures to his district. Senator Eastland has remained entirely consistent in his use of chairmanship powers to obstruct civil rights legislation. Rep. McMillan has always sought to maintain maxi-

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mum personal control over District of Columbia affairs.

Stagnation is a result of closing oneself off from current developments and the possibility of changing one's mind. Such a concept must be distinguished from an active conservatism that stresses the health of existing institutions to handle constantly changing conditions. It must also be distinguished from the aging process. Personal stagnation can occur at any age. There is nothing inherent in growing old that causes cessation of intellectual or emotional growth.

Age is Only Skin Deep

Although the extent to which a "fresh" approach is correlated with old age or youth is clearly exaggerated, we do not mean to imply that there are no real differences in perspective that result from being at different points in one's life cycle at different points in time. After all, perspective refers to the appearance of objects as determined by their relative distance and positions. Some events have influenced one generation and not another. Some events have touched various age groups differently. A representative Congress should reflect these "time groups" as well as the more traditionally conceived perspectives of region, party, and economic interests.

The particular life experience of an age cohort creates certain sensitivities and certain blind spots; to some extent one sees an event in one way and, thus, it is harder to recognize any other. An older man cannot invoke his own youth to understand what it means to be young now. Similarly, the younger woman cannot feel as the older, who has had to digest massive and rapid changes in everything from sources of power to the definition of humanity and the vital necessities for life.

Three main factors influence the age perspectives of generations: historical time as it creates different experiences for different generations;

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generational issues which involve one generation's position in relation to others; and life-cycle features–the very nature of where an individual is in the course of his life. Any viable, representative democracy has to take these three factors into account. The problem of seniority rule may be called one of inadequate representation of all points of view. We should not have all elderly chairmen nor should we exclude them entirely.

Age group representation is not the most important or the most explosive reform that could be undertaken by the Congress, however. It would produce very limited changes anyway, given the relatively limited age distribution of the members. The most important failure of the seniority system is not that it produces old committee chairmen, but that it often fails to provide responsive chairmen who are in accord with the majority of their colleagues. This failure requires that commitee chairmen be elected by committee members, a party caucus, or the full chamber. It does not require mandatory retirement or any other reform based on a line of reasoning that hardens the arteries of a growing prejudice.

Age now appears to be a convenient scapegoat for a variety of problems which produce the stagnant quality of Congress: the lopsided distribution of power among congressmen which limits the varied perspectives, the accountability and the wisdom in decision-making; the lack of an effective mechanism for dealing with misconduct and disability while in office; few mechanisms to encourage rotation; little effort in continuing education for any age, and lack of a range of professional skills outside of the legal profession.

Reforming the congressional power structure demands something other than an attack on old age. False and easy issues of "senility," conservatism, and individual stagnation cloud deeper institutional problems which Congress may be too fearful and perhaps too cynical to uncover. ■

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The Conference Committee: Congress' Final Filter

by Albert Gore

Congress has never come to grips with the archaic ways and the often dictatorial-like powers of conference committees. It is here, in secret meetings often not even announced until the last minute, that a few men can sit down and undo in one hour the most painstaking work of months of effort by several standing committees and the full membership of both houses. It is here, after the tumult and shouting and public debate has faded from the House and Senate and after the headlines have shifted to a new subject, that appropriations measures, tax bills, and other substantive legislation can suffer remarkable mutation.

After the conference committee's "report," or agreed action, is taken, the two houses must then vote on it up or down, in toto, without amendment. There is usually scant explanation or debate before the vote to accept or reject. The conference deliberations are not published, and the reports are often all but unintelligible to the public and the Congress alike—sometimes legislators are not aware of what they have voted for. And perhaps most important, there is usually a finality about conference committee decisions. Any Senator or Congressman who opposes only a specific provision is faced with two choices, accepting the provision or trying to defeat the entire bill, a move which would cost weeks or months of work. Often, the important legislation comes up right before recess or holiday, which makes a fight against the conference report even more unlikely. For these reasons, the reports, even when they distort the intent of either house, are rarely challenged.

One such committee, on which I served, met in secret on a cold December night in 1969. By 2:30 a.m., it reached a decision which would increase personal income tax exemptions from $600 to $750 (in stages), a beneficial step. But part of the decision also ultimately gave an enormous tax reduction to the relatively few with very large "earned"

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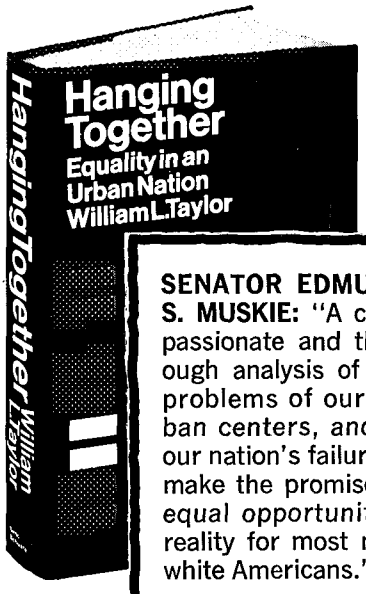
incomes (salaries, bonuses, commissions, as opposed to "dividend" or "interest" income). The head of General Motors, and others with like earned incomes, may gain as much as $90,000 per year from this reduction. And the reduction was available only to those in the top brackets and denied to everyone else below them.

This conference committee, made up of seven Senators and nine Representatives, had been appointed by the President of the Senate and the Speaker of the House, respectively. (In practice, the chairmen and ranking minority members of the standing committees handling a given piece of legislation actually name the conferees. Almost invariably, they name themselves.) The committee was brought together to compose, "settle" in congressional cloakroom jargon, the hundred or so differences between the versions of the Tax Reform Act of 1969 as it had passed each house of Congress. It is in such committees, established in similar fashion every time there are differences between the House- and Senate-passed bills, that final details of most important legislation are decided on—and these details may often be the essence of the legislation.



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Tax Reform, Nixon-Style

The reduction in tax on large earned income was actually just an extra dividend added to the already staggering benefits the rich have received through tax breaks in recent years. It is generally believed, I think, that we have a graduated income tax based on ability to pay. Since 1964, however, the tax rates have become much less graduated, and each successive "reform" appears to give even more money back to the wealthy. Prior to 1964, the tax rates ran from 20 per cent to 91 per cent—a spread of 71 percentage points. In the Tax Reduction Act of that year, the minimum tax rate, on the first taxable dollar of income, was lowered to 14 per cent—but at the upper levels, the maximum rates were reduced from 91 to 70 per cent of income.

In 1969, President Nixon recommended what he called tax "reform"—another cut in the top tax rates. I countered by introducing a bill to raise the personal exemption for each taxpayer and dependent. (The $600 exemption had been fixed in 1948 at what was, even then, an admittedly low level as measured by the cost of living. By 1969 the cost of living had about doubled, yet the $600 personal exemption remained.) After making some modifications, the House passed the Nixon Administration bill which lowered the top tax rate, this time from 70 to 65 per cent, with no reduction whatsoever in the rates applicable at the bottom. And, in addition, the bill proposed to cut the top rate on earned income from 70 to 50 percent. This provision was added by the Nixon Administration at a midnight session of the House Ways and Means Committee just before the bill was approved and reported to the

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full House. It represented an extra $200-million loss to the government, or gain to the highly paid, and the ordinary taxpayer would have to make up the deficit. The earned income measure was passed by the House with the tax bill as a whole under the notorious "gag" rule, which permits no amendments. In the Senate, I took single-shot aim at the measure, because I found it odious in the extreme. The Finance Committee, of which I was a member, adopted unanimously an amendment to strike this provision from the tax bill—an amendment offered by the committee chairman, Senator Russell Long.

During the detailed discussions and debate in the Senate, no suggestion was made that this provision be restored to the bill, and there was no one to lament publicly its elimination. In fact, in order to make the legislative history and the Senate's position clear, Senator Long, in his initial discussion of the bill on the Senate floor on November 24, 1969, stated:

> In establishing the new tax rates, the committee deleted from the bill a House provision limiting to 50 percent the maximum marginal rate applicable to an individual's earned income. This action was taken because the committee believed that a 50-per cent top marginal rate, though beneficial for work incentives, would provide unduly large tax reductions to those with substantial earned income.

The most important difference between the House and Senate tax bills was the amendment I had offered and won on the floor of the Senate to strike out the Nixon-proposed rate changes and substitute instead an increase in personal exemption from $600 to $800. Another difference, of course, was the earned income provision, which the House had adopted and the Senate had not. Both of these, among others, had to be resolved in conference committee.

On the first point, the conferees agreed on a compromise which eliminated the rate changes and adopted a gradual increase in personal exemption from $600 to $750. Finally, at about 2 a.m. on the last day of the conference, the chairman, Representative Wilbur Mills, brought up the last item in disagreement, the reduction in the top rate for earned income. The argument became quite heated, despite the fact that no one could advance any better justification for the provision than restating a point made by Edwin S. Cohen, assistant secretary of the Treasury, before the Senate Finance Committee: "We do get to the point where with respect to services. . . inordinately high rates may cause a person to spend more time trying to figure out some of the incentives in the law than he does concentrating on his work. . . ."

In other words, the best way to guarantee the efficiency of corporate leaders, to relieve their minds of the burdensome task of getting around the taxes, would be to reduce the taxes and give them the money, anyway. This argument could be carried further—the best way to insure maximum productivity of the nation's highly paid would be to charge them no taxes at all, freeing their imaginations from material things and onto the disinterested plane of public service.

Odious in the Extreme

The debate continued until finally conference committee chairman Mills suggested a compromise—that the 50 per cent earned income figure be set as a maximum "effective" rate (an average of all taxable income) rather than the "marginal rate" (applicable to the last dollar of income). This would involve much less money, only a $15-million loss in revenue to the Treasury. I felt I had won my main battle on the personal exemption increase, so I agreed to go along with this compromise.

Chairman Mills then announced that the conference committee would adjourn "for the night," but would meet again at noon that same day to sign the conference report, which the staff would meanwhile prepare. As we

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began to depart, I noticed a whispered conference between Senator Wallace Bennett, a ranking Republican on the Senate Finance Committee, and the Assistant Secretary of the Treasury. Unavoidably, I overheard Senator Bennett say, "Let's meet in my office."

At the 10 a.m. Democratic caucus, Senator Long suggested to me that when the conference committee reconvened it might be necessary to "give" the Administration "something" in order "to avoid a veto." He made some imprecise reference to the 50 per cent ceiling on high bracket earnings. I was thus forewarned that a deal had been made. Sure enough, on the reconvening of the conference committee at noon for the announced purpose of "signing the conference report," more or less a formality, Chairman Mills quickly reopened the earned income tax rate question. Senator Long, despite his statement on the floor of the Senate in support of his own amendment to knock the provision out of the bill, went on the offensive in support of the Nixon Administration position. Senator Bennett, who had voted to strike it out, joined Senator Long, as did others.

The committee quickly voted in favor of giving corporate officials, doctors, lawyers, and other highly paid taxpayers an absolute top marginal tax rate of 50 per cent on their earned income—to give them the whole $200 million. This was a clear breach of our earlier agreement but it availed me nothing to make this charge, which I did angrily, for I was hopelessly outnumbered.

This conference report was presented to the Senate and House on December 22, 1969, and adopted by both houses the very same day. On the floor of the Senate, three days before Christmas, it was impossible for me to hold up a multi-billion-dollar tax bill on which months of hard work had been spent.

There was never a separate vote on the earned income provision by either Senate or House, and the general public never really became aware of it.

Occasional Stumpholes

Theoretically, the conferees support the position of their respective houses. Obviously, however, one side or the other, or both, must alter its position. But the personal views of conferees often make their support of the views of their own house ineffective; indeed, given the personal sympathies of the conferees one can usually, though not always, correctly forecast the shape of the agreement to be reached by the conference committee.

The latter point is well illustrated by the action of Congress last year on the SST appropriation. This was not a party affair. It was more nearly a test of the power of the industrial-military complex to prevent a reordering of national priorities. A majority of Senate conferees had strongly supported the Pentagon position on the SST, and the agreement ultimately reached by the conference committee was freely predicted. The "compromise" agreement reached by the conferees merely reduced by a token amount the funds which could be spent on further SST development this year.

But in this case the issue was so clear-cut, and the "compromise" so patently a surrender of the Senate position, that the Senate stuck by its guns and refused to agree to the conference report. Even more important to stiffening Senators' backbones against the intense lobby was the fact that the headlines stayed with the SST and did not shift away from that issue to some new seven-day wonder. As a result, the SST was finally voted down.

This kind of rejection does not usually occur. It happened with the SST and a few other issues of public interest, but generally the results of the conference committee are accepted, even when the conferees either have abandoned their house's position or have inserted something in

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the bill that wasn't in the version of either house. (Theoretically, this should not happen, but it sometimes does—as in the recent federal pay raise bill when the conference committee inserted a provision transferring certain powers over federal pay raises to the President, a provision that had not been included in either the House or Senate bills. But even after Senator Stennis called the procedure a "stumphole," resting on the "recommendation of someone way out yonder—whom we do not know," the conference report passed the Senate by a vote of 40 to 35.)

I can think of some instances where conference committees have done their work well, where the Senate conferees did not give in too easily on the measures adopted by their house, and where the public interest was served. But often this happened because of a quirk of fate, a momentary situation that had nothing to do with the bill under question, illustrating again how dependent the conference decision is on the changing political fortunes.

Unlocking the Conference Door

There is nothing wrong, in principle, with the conference as a procedure. It is impossible to conduct the business of a bicameral legislative body without some regularized machinery for the arbitration of differences between the two houses, and the conference committee can be a good and workable method. But several specific steps are required to make the conference committee more useful and more responsive. Some would require changes in the rules of either Senate or House. Others would require only that greater attention and care be exercised in following existing rules.

First, the slate of conferees should be actually voted on by the full membership of each house. This would help to insure that conferees are selected who will fairly represent the views of each house and would also

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involve the full membership more directly in the conference process. As things now stand, the rank and file of the membership of both houses feel that matters are out of their hands after initial floor action on a bill has been completed.

Second, a record of the conference actions should be kept, and the day following the termination of a conference all votes taken during the conference should be published in the Congressional *Record*. This would put conferees on notice that they will be judged not only by their constituents but, more importantly in some cases, by their fellow members on their conduct during the conference bargaining sessions.

It should be borne in mind that the conferees from each house vote separately on any question effecting a change in the position taken by their own house; that is, Senate conferees vote independently of House conferees on any motion to recede from a Senate position. Neither set of conferees can complain of being outvoted by the other. One side can, of course, be out-threatened and intimidated.

A powerful House Appropriations subcommittee chairman can tell Senate conferees that unless appropriations for a dam in his home district are voted there will simply be no bill at all. Senate or House conferees, who may not particularly care which dam in a given series is built first, will readily give in and vote to recede from the Senate position. On more important matters, however, the Senate conferees would be inclined to put up more fight if they knew they must individually be held accountable for their votes.

Third, the report issued by the conference committee should be improved. Simple but reasonably full explanations of actions taken, and their effects on the positions previously adopted by the two houses, should be included.

Fourth, statements of conferees disagreeing with the majority on major points should be incorporated in the report, just as minority, individual, or supplemental views are now included in the reports of standing committees. It is a rare thing for a member of a conference committee today to raise a post-conference objection. On occasion a conference member may decline to sign the conference report, but there is not often a sufficient explanation for his action or nonaction.

Fifth, no vote should be taken in the Senate or House on a conference report until the report has been printed and available to members for at least 48 hours. This may result in some distress in the closing days of a session, but proper leadership must be counted on to provide more orderly scheduling in both houses than has been the case in recent years.

These changes in rules or current practice would make the conference a more useful tool and should result in better legislation more attuned to the wishes of the general congressional membership. But in the final analysis, no changes in the rules will automatically bring about good conferences. After all is said, written, and done, the attitude of individual members toward their work will determine how good the final version of any legislation is. If sufficient numbers of Senators were really interested in looking into the work of their conferees, they could under existing rules refuse to approve any given conference report until proper explanations for all actions were forthcoming. I am sorry to say that few Senators are willing to go to this much trouble. The rules we now have, even statutory provisions, are blandly ignored or blithely set aside by "unanimous consent"—surely one of the greatest enemies of orderly procedure and good legislation.

The Congress must improve the quality of its work. It must improve its "image," and the best way to do that is to improve its product. I know of no better place to start than with the conference committee. ■

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Memo of the Month

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SUBJECT: SUBSTANDARD APPEARANCE OF PERSONNEL. (CIC)
REFERENCE TELECON, 15AF CS/AIR DIV CMDRS, 7 APR 71. IT IS APPARENT FROM NUMEROUS REPORTS RECEIVED IN THIS HQ, AND PERSONAL OBSERVATIONS DURING VISITS TO THE FIELD, THAT TOO MANY OF OUR PEOPLE BOTH OFFICERS AND ENLISTED, MALE AND FEMALE, ARE NOT CONFORMING TO THE DRESS AND APPEARANCE STANDARDS AS OUTLINED IN RECENT CHANGE 4 TO AFM 35-10. IT IS NOT ONLY THE RESPONSIBILITY OF EACH INDIVIDUAL TO ADHERE TO THESE STANDARDS, BUT MOST IMPORTANT IT IS THE RESPONSIBILITY OF EACH COMDR AND SUPERVISOR TO INSURE STRICT UNDERSTANDING AND ADHERENCE BY ALL PEOPLE UNDER THEIR SUPERVISION. IN ORDER TO ASSURE STRICT COMPLIANCE WITH PRESCRIBED STANDARDS, THE COMDR HAS DIRECTED THE FOLLOWING PROCEDURES BE IMPLEMENTED ONE WEEK AFTER PUBLICATION YOUR LOCAL BASE PAPER OF AN OI RELEASE WHICH WILL FOLLOW BY SEPARATE MESSAGE. THESE PROCEDURES APPLY TO 15AF OWNED BASES. COMMANDERS WHO ARE TENANTS ON OTHER THAN 15AF BASES WILL WORK WITH THE HOST COMMANDER, BUT WILL TAKE THAT ACTION WITHIN THEIR ORGANIZATIONS NECESSARY TO

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ASSURE STRICT COMPLIANCE WITH AFM 35-10. EACH BASE WILL APPOINT ROVING TEAMS, COMPRISED OF AN OFFICER OR SENIOR NCO AND A PHOTOGRAPHER. THESE TEAMS WILL BE RESPONSIBLE FOR IDENTIFYING, PHOTOGRAPHING AND ISSUANCE OF A CITATION TO THOSE INDIVIDUALS WHOM THEY CONSIDER TO BE IN VIOLATION OF DRESS AND APPEARANCE STANDARDS. TEAMS SHOULD ROAM THE BASE, I.E., PX, ROLL CALLS, GATES, COMMISSARY, BARRACKS AREA. THE TEAM WILL THEN FORWARD THE CITATION AND PHOTO TO A DRESS AND PERSONAL APPEARANCE SCREENING GROUP. THIS BASE APPOINTED GROUP, NORMALLY WING CV, ANOTHER SENIOR OFFICER, AND WG SGT MAJ, WILL REVIEW CITATIONS AND PHOTOS TO DETERMINE IF A VIOLATION EXISTS. THEY WILL THEN FORWARD THIS INFO TO THE APPROPRIATE UNIT COMMANDER WITH INFO COPY TO THE SENIOR COMMANDER. UNIT COMMANDERS, UPON RECEIPT OF SUCH INFO, WILL PERSONALLY INTERVIEW THE CITED INDIVIDUAL AND HIS IMMEDIATE SUPERVISOR. HE WILL DETERMINE WHY THE SUPERVISOR HAS NOT FULFILLED HIS RESPONSIBILITIES AS AN AF SUPERVISOR WITH REGARD TO THE INDIVIDUAL OR WHY THE INDIVIDUAL HAS DISREGARDED HIS SUPERVISOR'S COUNSELING AND APPROPRIATE DIRECTIVES. THE UNIT COMMANDER WILL THEN TAKE NECESSARY CORRECTIVE ACTION AND INFORM THE SENIOR COMMANDER AND HIS WING COMMANDER OF HIS ACTION. EACH CASE WILL BE DISPOSED OF ACCORDING TO ITS OWN MERITS. TAKING ALL CIRCUMSTANCES SURROUNDING THE INCIDENT, INCLUDING THE PERSON'S PRIOR RECORD AND MITIGATING OR EXTENUATING MATTERS, CORRECTIVE ACTION IN THE FORM OF COUNSELING MAY BE CONSIDERED ADEQUATE FOR AN INITIAL DISCREPANCY. CIRCUMSTANCES SURROUNDING A SECOND OFFENSE MAY WARRANT A REPRIMAND AND DISCIPLINARY PUNISHMENT MAY BE JUSTIFIED FOR A SUCCESSIVE INFRACTION. THE RESPONSIBILITY FOR THE IMPROVEMENT OF DRESS AND PERSONAL APPEARANCE OF PERSONNEL RESTS WITH THE COMMANDERS; HOWEVER, THE ULTIMATE RESPONSIBILITY FOR DAY TO DAY ADHERENCE AND GUIDANCE FALLS TO THE AF SUPERVISOR. THIS PROGRAM SHOULD BE GIVEN APPROPRIATE PUBLICITY TO INSURE THAT THE TRUE INTENT AND MEANING IS CLEARLY UNDERSTOOD BY ALL PERSONNEL. THIS WILL BE A SPECIAL SUBJECT OF THE COMMANDER DURING ALL FUTURE VISITS TO THE FIELD. A FORTHCOMING 15AF 500-SERIES REGULATION WILL BE PUBLISHED IN THE NEAR FUTURE COVERING THIS SUBJECT.
1404

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How to Make $300,000 Dollars a Year After Bankruptcy

by Murray Seeger

If you were an ordinary American who managed to go wild with an American Express card until creditors from many states and several foreign countries had you $30 million over your head, things might look bleak, as lawsuits, liens, and long-term pauperism dragged you from the champagne memories. But if you had the foresight to be born a duPont, annointed with the family tradition and wealth in the protective duchy of Delaware, you could approach fiscal disaster with the serenity of Lammot duPont Copeland, Jr., great-great-great-grandson of the founder and son of the former board chairman of E. I. DuPont de Nemours & Co. Copeland's story is especially instructive in a time when people are concerned about special privileges for the rich and short shrift for the poor. The many layers of connections, laws, and associations protecting Copeland's wealth are so thick that some of the sharpest lawyers in the country did not appreciate the full immunity of his money until it was too late.

Delaware has long been the favorite low-tax haven for American businessmen, who like to incorporate their far-flung operations in the state with the small franchise tax. The state of fine beaches and chicken farms also offers the rich a marvelous sanctuary for going relatively broke in style—without the indignities of worrying about who will pay the maid or where vacation funds will come from. This attraction, available as a practical matter only to those of inherited wealth, was not widely known until last year, when a horde of lawyers descended on Wilmington to pick over the collapsing estate of 38-year-old "Little Motsey" Copeland. The lawyers represented creditors from coast

Murray Seeger is a Washington correspondent for The Los Angeles Times.

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to coast who had one common reason for anguish: they had loaned money to various enterprises on little more than faith in the scrawled signature of Motsey duPont Copeland, who proved that under certain circumstances one may even dispense with the American Express card.

A letter in the file of Murray M. Schwartz, federal referee for the bankruptcy, summed up the problem better than the formal pleas of the lawyers: "As I am 73, this matter is of deep concern to me, as I know it is to other creditors who have felt the son of the chairman of the board of the DuPont Company, Wilmington, Delaware, with a Harvard education and help of his father would not have let such a matter as this happen." The author of the letter, Russell Bennitt, secretary-treasurer of Bennitt Publishing Company, Costa Mesa, California, was one of the smallest victims. He was due only $27,155 out of the $55.4 million in debts which Copeland acknowledged last October in his application for protection from creditors under Chapter 11 of the Federal Bankruptcy Laws. (Chapter 11 essentially provides that no single creditor can attach any of the debtor's property until the court sorts out all the assets and legal problems involved in the bankruptcy, so that all creditors will receive equal protection.) Against the staggering pile of debt, he listed assets of $24 million.

In his application, Copeland had to bare his financial soul for all to see. His action, taken on the advice of lawyers after an apparently painful family consultation, effectively halted creditors from forcing Copeland to the auction block. Despite the embarrassment of Chapter 11 reorganization, Copeland is not suffering the way most bankrupts do. Delaware law prohibits creditors from attaching his income from "spendthrift" trusts established for him and his children by his grandfather and father.

That untouchable income amounted in 1969 to $311,697, and in 1968 it was $299,668, according to the court records. In total, Copeland's income in 1969 was $756,983, and the year before it was $637,960. To the DuPont Company, where he held a mundane job in the treasurer's office, Copeland was worth $14,877 in salary during 1969.

Cozy Town, Shady Partners

Copeland's associates in a wide variety of enterprises circulated financial statements which included the value of these untouchable trusts when creditors in late 1969 and 1970 started getting nervous about their unpaid claims. The trusts were valued at $9-$13 million and were in addition to life insurance policies totaling $10 million which Copeland carried.

In court, Copeland repudiated the financial statements, claiming they were drawn up and circulated without his knowledge. The statements had a telling effect, however. They lulled some sophisticated lawyers and lenders for many months. Among the groups which did not know about the Delaware law protecting Copeland's trusts was Arnold and Porter, the prestigious Washington law firm representing the Madison National Bank, which has filed claims totaling about $5.5 million.

Copeland filed his bankruptcy application on October 20, 1970. Just 121 days before, the senior Copeland had placed a lien for $500,000 against Motsey's mansion in the duPont "chateau country" just west of Wilmington. (He is not likely to exercise the lien by evicting his son.) The same day, June 19, the Wilmington Trust Company, the duPont family and company bank, filed a judgment in court for $3,461,332 on a 7.5 per cent note issued to young Copeland in April, 1969. The exquisite timing of these actions protected Motsey's home by one day from being thrown in with all his other property under the bankruptcy petition and put the bank first in line to liquidate some of the young man's highest grade assets. On October 23, when other creditors were

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scrambling around to protect their rights, Wilmington Trust sold stocks and bonds pledged by Motsey worth $410,000. The remaining $3 million of the loan was guaranteed by the senior Copeland.

Ordinarily, the filing of judgments by a prominent father against his son and by the town's biggest bank against the scion of its leading family would be page one news and set off financial alarms across the country. But not in cozy Wilmington. The June court motions were not reported in the two daily papers, the *News* and the *Journal*, which are owned by the duPonts through their family holding company, Christiana Securities Corporation.

In April, just two months before the family legal maneuvers, Motsey was elected a director of the News-Journal Company—succeeding his uncle, Henry B. duPont. The duPont papers said in identical stories that their new director had "responsibility for the administration and investment of the DuPont Company's pension trust fund." This description of Copeland's job was carried in a biography filed in the newspaper's library at the time of his election. After the October court action, however, company public relations men denied that the biography was a proper description of Copeland's duties. Instead, the newspapers said in October that Mr. Copeland, Jr. worked "in the treasurer's office last summer." A company spokesman explained that Motsey was an analyst who recommended investments to the pension fund management committee.

It is unlikely that young Copeland did very much to earn his $14,000 DuPont Company salary that summer. His world was collapsing and only a masterful operation delayed the inevitable until October. June was the crucial month. It was publicly revealed on June 11 that his partners in a small Los Angeles daily newspaper, Thomas A. Shaheen and Richard M. Horton, were hardly the kind of businessmen entertained by proper duPonts at the

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Wilmington Club. Shaheen, it was reported, was being investigated because of questionable loans made by the Barbers' Union Pension Fund. Horton, it turned out, had several felony convictions, including one stemming from the failure of the Brighton, Colorado, National Bank in 1965. Shaheen, who was also a partner with Copeland in Winthrop-Lawrence Company, an investment company based in Chevy Chase, Maryland, was indicted by a federal grand jury earlier this year for getting kickbacks from the Barbers' fund loans.

Repose Among the Hunters

Motsey, showing only occasional nervous strains, took the bankruptcy referee and the roomful of creditors through his tangled affairs as best he remembered them. "The things he knows, he knows very well," one Wilmington lawyer noted. "But there are many things he knows nothing about."

Young Copeland's bankruptcy when it is finally adjudicated will be one of the biggest personal financial failures in history, comparable to the collapse of the real estate tycoon, William Zeckendorf. "This is one of those cases that is out of the ordinary," Seligson, who also represented Zeckendorf, told the court. "Much depends on what happens in other situations."

Those "other situations" are so complex and widespread, they stagger the imagination. Winthrop-Lawrence, for instance, has also filed for Chapter 11 protection. So, too, have Copeland's two California newspaper ventures, Standard Media, a group of weeklies, and Graphic Productions, the aborted effort to enter the afternoon daily competition in Los Angeles. In the same boat is Dean Van Lines of Long Beach, California, and two small colleges in the South that Copeland invested in. Transogram Company, a toy manufacturer controlled by Winthrop-Lawrence, has flirted with bankruptcy. And small newspaper companies owned by Copeland in Florida and Illinois and a chain of variety stores, Superstores, Inc., are making only small profits.

Copeland's chief problem seems to have been his willingness to sign as guarantor notes taken out all over the country by Shaheen on transactions in which they were to be partners. They hung paper from California to Switzerland on enterprises ranging from European-made movies to automatic car washes, Mexican food carry-outs, cattle ranches and real estate.

The creditors include banks in New York, Zurich, Washington, Indianapolis, Miami, Columbus, Phoenix, Dallas, Los Angeles, Montreal, Chicago, St. Louis, Mobile, Denver, Atlanta, and Houston, as well as in such unlikely towns as Sherrodsville, Ohio, Lafayette, Louisiana, Bowling Green, Kentucky, Aurora, Colorado, and Plant City, Florida. Then, too, the Barbers' pension fund was a creditor along with the International Brotherhood of Electrical Workers' pension fund. Standing in line, also, were the official tax collectors for the federal government and counties and cities in California, Arizona, Texas, Maryland, and Delaware.

In 1968, Copeland was chairman of the Leaders of the World Foundation, which raised money with this rallying cry: "In an era of rampant dishonesty and rising crime. . . with creeping Socialism attacking our system of Free Enterprise. . . we need to uphold the cause of ethical business more than ever before."

Motsey duPont Copeland has a lot of time to rethink those principles as his lawyers, bankers, and creditors sort out his complicated affairs. The duPonts' retainers in Wilmington insist that the actions taken in June to protect his mansion and isolate assets was not taken in anticipation of the eventual bankruptcy action. But those moves, and the unusual Delaware law protecting trust incomes, have guaranteed that the young heir can ride out his bankruptcy in the style to which he was born. ■

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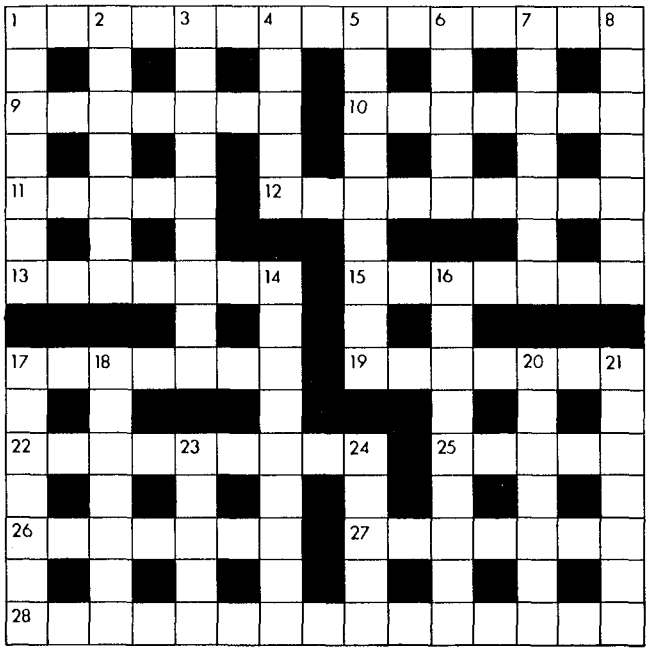
The Political Puzzle

by John Barclay



Across

1. Ache catches Edward short, colored. (7)
2. They are the pert sex. (7)
3. Takes off, winks stop. (5, 4)
4. For the winner, upset pontoon is a no-no. (2, 3)
5. Fade or fog, it's awe-inspiring. (4, 2, 3)
6. Proportion or peroration without Evita. (5)
7. Shine BB-gun, dullard! (7)
8. Nothing is simpler than breaking sea ties. (7)
14. Nixon or Truman, for example. (2-7)
16. Paper for Penn's writ. (9)
17. Quite opposed to slowdown. (5, 2)
18. Scum you see be brought low. (7)
20. No CIO or AFL here. (7)
21. Passes by, pleases no one. (7)
23. I am at the feet of the master craftsman. (5)
24. Harp on 50-weld theory. (5)

Down

1. Dry-cleaners' convention? (5, 10)
9. Politicians usually like to see their name here. (2, 5)
10. Good place to be saint in France. (7)
11. Tea skills produce delicious eating. (5)
12. Expert incentive is encouraging. (9)
13. Sober I'd never do this in public. (7)
15. One should not gush at this distance. (7)
17. Shins go first during deck washes. (7)
19. The result of misplaying the first hole. (4, 3)
22. Secure again with grass around the series. (9)
25. Donna follows him. (5)
26. Take it with you after this. (3, 4)
27. They tried so hard to improve. (7)
28. The Kennedy or Rockefeller brothers? (6, 9)

The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word.

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BOOKS:

The Votes Beneath the Ridicule

a review by Anthony T. Podesta

Boss: Richard J. Daley of Chicago by Mike Royko. E.P. Dutton. $5.95.
Daley of Chicago by Bill Gleason. Simon & Schuster. $7.50.

Each March 17 he dyes his river green. His favorite book, "the greatest book ever written," is *Robert's Rules of Order.* On the Vietnam war, he once commented, "I don't see any more serious division in our country than we had in the Civil War and at other times." Every morning he attends mass downtown at St. Peter's Roman Catholic Church. On Sundays he goes to the Church of the Nativity of Our Lord. His limousine bears the unusually lengthy license number 708-222, while his wife's modest car has ED 3536 license plates.

He received 708,222 votes when he won the mayor's chair in 1955. He and his wife Eleanor have always lived in a modest pink bungalow at 3536 South Lowe Avenue, near the stockyards and the Chicago Amphitheater, site of the 1968 Democratic convention. She is known to her neighbors in their working-class neighborhood as "Sis." He is a simple man, a family man, an Irishman, a Catholic, and a political being.

A nominating speech for his reelection last year as Chairman of his Organization began with "R, you're rare; I, you're important; C, you're courageous; H, you're heavenly; A, you're able; R, you're renowned; D, you're Democratic; J is for your being a joy to know; D, you're diligent; A, you're adorable; L, you're loyal; E, you're energetic; and Y, you're youthful."

On April 6 he was reelected to a fifth four-year term. He is Richard Joseph Daley of Chicago, and he is "duh mare."

Race has been the key issue in Chicago for many years, and is the focus in the only two books yet published on the Daley years in Chicago. *Daley of Chicago,* by Bill Gleason, and *Boss*, by Mike Royko, are two extremely similar accounts of the city and its politics by two experienced journalists. Gleason is a sportswriter for the *Chicago Sun-Times*, while Royko writes a feature column for the *Chicago Daily News.*

Both authors concentrate on 1968 as the height of national interest in Chicago. Both writers intersperse flashbacks and flashforwards within the chronology of that year. Both men interview the same people and use similar quotations from them. Both make Daley a fascinating character to read about—humorously common, shrewd, pious, vulgar, full of

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backroom intrigues, politically unforgiving in outrageous and yet somehow ridiculous ways. But both authors really fail to explain Daley the politician, choosing rather to excoriate him playfully in familiar, salesworthy, superficial modes of attack. They attribute the Mayor's power essentially to his capacity for ruthless, unprincipled organization—much as commentators on the right analyze the appeal of communism in Vietnam—and thus duck the tough question of how he maintains support from so many voters. The authors stick to poking at and scorching Daley the character, the Irish godfather. They do not assess his kind of politics, which is full of ethnic head-counting, family problems, favors, chicken dinners, funerals, job-hunting, religious ceremonies, and struggles to keep people in line. But this kind of politics is the essence of Daley, and it is crucial to know how important it is and how it works—especially when most liberal critics would prefer to abandon this grimy, boring stuff for a loftier brand of politics focusing on the problem areas of high policy. Daley has no abstract analysis of any major issue nor any unswerving concern for ideology; but he has most of the Jews, Poles, Italians, blacks, Irish, and even Swedes—and that has been enough. Although these two books fail to explain why, they are good personality profiles once this limitation is accepted.

No Humanity and the Rancid Author

Both books begin with the Mayor touring the city. Royko portrays him driving to the office in the mayoral limousine, while Gleason depicts him walking across the South Side from the black to the white ghetto. One can learn more of a city from walking through its streets than from riding along its expressways. Gleason's *Daley of Chicago* is clearly the more comprehensive of the two efforts.

Royko is the more talented writer, but he tends to gloss over critical topics with a well-written quip or a spritely vignette. In the last campaign, labor hosted a dinner for Daley attended by more than 10,000 trade unionists. It was "the largest indoor dinner in the history of the world for the greatest mayor in the history of the world." "Labor provides Daley with his strongest personal support and contributes great sums to his campaigns," observes Royko. Yet he devotes three paragraphs to labor in between his four paragraphs on the Mafia and his page on the Organization's fund-raising.

Gleason's style is often heavy and tiresome. He is also given to pulpy melodrama, as in his description of a scandal in the office of Daley's 1963 opponent, Benjamin Adamowski: "When the cobwebs had cleared, the pugilistic Pole started swinging with both hands." The police riot in front of the Hilton Hotel during the Democratic convention is "pictures of young girls being seized by arms and legs, their panties exposed to shock those who are sickened by sexuality but thrilled by violence. Pictures of young girls, reduced to human projectiles, striking at the sides of police vehicles instead of flying through the doors that were the targets of the police."

Royko introduces his chapters with excerpts of the Chicago Conspiracy trial testimony, certain to be well received in Manhattan. Gleason uses excerpts from the Roman Catholic masses which are celebrated on the days in 1968 he discusses. This technique, as contrasted to Royko's efforts to condemn him, exhibits Gleason's attempts to understand Richard Daley. Gleason is sympathetic, but willing to make harsh judgments when they are warranted. He is insightful on Daley's Irishness, Catholicity, and middle-class background. Royko was asked after *Boss* was published why his style of writing contained such bitterness. "Bitter? I am not bitter," he explained. "Rancid is the word."

Royko and Gleason concentrate so much attention on an abbreviated

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exposition of Chicago politics that the portrait of Daley tends to be one-dimensional, though Royko is more guilty on this score. Both men fail as well to provide any significant analytical discussion of Chicago politics or the Democratic Organization. Gleason is more comprehensive in his anecdotes, while Royko's anecdotes tend to be more exciting and outrageous. Thus both volumes benefit from the strengths, but suffer from the superficialities of daily journalism.

Despite these differences, the central conclusion of both books is identical. Gleason provides a "summation of all the indictments of the Daley years: Maximum efficiency but very little humanity." Royko argues that the Daley years began with "values that would never change: things, concrete, glass, steel, downtown, business profit. Then if there's anything left, maybe something for the human being."

Winning the Black Vote

These criticisms have often been leveled at Daley. He often exclaims, "It is easy to criticize, to find fault, but where are your programs?" He can point to the 14 black aldermen and the four black city department heads. This year a black was elected city treasurer, the first city-wide office held by a black person. He is proud of welfare and public housing and model cities and rat control and the poverty program. He knows he is not John Lindsay or Kevin White or Peter Flaherty, but what are their programs, he would ask.

Still the infant mortality rate in poverty areas of Chicago is equal to that of Ceylon. The black mortality rate is higher than any other major city. Some public high schools have two dropouts for every graduate. The sons and daughters of politicians, even black politicians, usually attend Roman Catholic schools.

Yet Daley has not done appreciably worse than other big city mayors. Chicago public housing was not built on the garden apartment model, but at least it has been constructed. The police force in Chicago is now 17 per cent black compared to the seven per cent of New York police who are black. The transportation system planned by Daley has an undue emphasis on highways, but the mass transportation component still provides people with greatly improved access, albeit expensive, to jobs away from the ghetto. The Organization has provided jobs for tens of thousands of black people in public and private employment. Forty per cent of the civilian employees of the Police Department are black.

Perhaps more important than any of these data, the black voters of Chicago continue to support Daley even as they may elect anti-Daley aldermen to represent them in the City Council. Undeniably, some of these votes are stolen, while other voters are intimidated, but the majority of blacks in Chicago support Daley. The Mayor actually lost the white vote in the 1963 mayoral election. Blacks are unquestionably the key vote-producing element in the Daley coalition.

Though Daley's percentage of the black vote dropped from nearly 80 per cent in 1967 to less than 70 per cent in 1971, many black leaders, especially clergymen, continue to support him. One black minister introduced him to his congregation last

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month with, "Civil rights in Chicago is a man named Mayor Daley." Another requested "divine guidance in giving this man the greatest vote plurality he has ever received."

Daley has often been able to frustrate and co-opt insurgent black political leaders. One was elected alderman in the late Congressman William Dawson's ward in 1969, after losing to Dawson in a congressional primary the year before. He remained quiet in his first two years on the Council and this year was the Organization candidate. Another black political leader beat the Organization for a Council seat and then beat one of Daley's black assistants for a state senate seat. He now drives a white Rolls Royce, and his major legislative contribution in his first term was to increase from one to two the number of free license plates each state legislator receives. Both men are now 100 per cent for the Mayor's programs.

The city named a street for Martin Luther King after he was assassinated. Gleason quotes Daley at the dedication in what is almost a parody, but probably sincere, of King's "I Have a Dream" speech. Daley tells the crowd, "I dream of a city with a program like that which Dr. King dreamed of."

The Machine as Mother

Blacks are a potent part of the Organization, but other groups assume critical roles as well. Labor provides manpower and money in return for political influence, business opportunity, and public recognition. The State Street and LaSalle Street businessmen and bankers contribute cash and bipartisanship and are granted perquisites like public works improvements and commissions on the sale of municipal bonds.

The newspapers endorse the Mayor, and he supports their editorial programs and provides assistance for their advertisers. The reactionary *Chicago Tribune* sponsored the proposal to build a mammoth convention center on the lakefront. Daley built it, and it was named McCormick Place after the late publisher of the *Tribune*. It is also known as Tagge's Temple after George Tagge, the political editor of the *Tribune* and the chief lobbyist for McCormick Place. The only other Democrat the *Tribune* has endorsed in recent years is P. J. Cullerton, the county assessor, the man who determines the real estate taxes for the Tribune Tower.

It is disappointing to find no systematic discussion of the economics of the Organization. Only Royko provides even sketchy material on this critical topic. He reveals Daley's moral code: "Thou shalt not steal, but thou shalt not blow the whistle on anybody who does." The Organization is dependent upon various forms of graft in order to maintain itself.

Royko estimates that $300,000 is spent on election day in a city election. This is grossly understated. Nearly one million dollars was spent on election day this year to award the Mayor his fifth term. Royko also states that hundreds of thousands are spent on billboards for county assessor campaigns. Much of this prime space is donated by corporations who own billboards and are concerned about their tax assessments.

No piece on the Democratic army in Chicago is complete without a discussion of its foot soldiers. The Mayor and the Organization do not make the mistake that characterized the Lindsay first term of placing experts in government positions, elective or appointive. A civil servant produces on election day or "he has to go," explains Alderman Vito Marzullo. "If a company has a man who can't deliver, who can't sell the product, wouldn't it put somebody else in who can?" The Organization controls 25,000 to 35,000 public jobs and twice as many in private business and industry.

Both Royko and Gleason, as they concentrate on their protagonist, tend to understate the clout of other political leaders in the city. Royko supports the view that "It's one-man rule,

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absolutely." Gleason explains that "almost nothing had been done in Chicago that he had not wanted done." Gleason alludes to the city motto, "The Mayor has taken literally the 'I' in 'I will.'" Yet when the Mayor wanted to drop his running mate for city clerk from the ticket this year, he lost the political struggle that ensued and was forced to run with the man he wanted to dump. Daley does not control everything and everyone, but within the party he almost always finds himself on the winning side.

Heavy Hand Close to the People

Daley is perhaps the most powerful Democratic political leader in the nation. He will control the 170-member Illinois delegation to the 1972 Democratic convention, and the 26 electoral votes of Illinois may well determine the political future of Richard Nixon.

The Mayor has presided over the strongest political machine in the country, while other machines have collapsed as they suffered through reform. It is true that if someone less skilled than Daley had been elected in 1955, the Organization might have withered away. He has, however, been a strong but thoroughly adaptable political leader who has brought it through a critical transition period. He has made the Organization legitimate, although the practitioners and practices remain ever so slightly on the safe side of what is politically and legally permissible. It is now perfectly respectable for Republican businessmen to become part of the Organization.

The question that remains is whether Daley or anyone else could have done any better. Daley did not create Chicago; he is a reflection of it. The analogue to the two million Jews who live in New York is the 600,000 Chicago Poles, a group with very different social views and voting patterns. Neither did Daley create the Organization. He inherited it, he modernized it and mastered it. He mirrors the social and political views of its officers and enlisted men, and they in turn are reflective of the voters they represent. Above all else, everyone values stability.

The blacks who revolted after the assassination of Dr. King as well as the "hippies, yippies, and flippies" who came to the Democratic convention challenged that stability and Daley's authority to run his city. These challenges led to Daley's infamous "shoot to kill" order as well as the debacles in Lincoln Park and on Balbo Drive.

Making these policy choices was probably not difficult for Daley. He was reflecting the voters in his conservative and xenophobic city. The Mayor emerged from the rubble of the convention as the most popular national political leader in Illinois.

Today's liberals are prone to lament the lack of responsiveness in political institutions. They criticize any governmental body that is not concerned with the mundane day-to-day needs of its constituents. The community action component of OEO was designed to combat the remoteness of local government. Model cities was created to integrate, on a community-wide basis, the various, often fragmented public programs.

This "process" part of the liberal agenda for local government is precisely what Daley can claim as an accomplishment. White in Boston and Lindsay in New York initiated "little city halls" to bring their civil servants closer to the people. Chicago has had a similar "program" for years in the form of the offices of the 50 Democratic ward committeemen. Further, there are 3,412 littler city halls located in the homes and offices of every precinct captain.

Daley's performance on the programmatic part of the liberal agenda is far less exemplary. It is true that he, the mediator, kept the city running and free of crippling strikes—no mean accomplishment. Most city services are delivered in Chicago at least as

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well as in other cities. Chicago has better street lighting in all of its alleys than many cities have on their major thoroughfares. But Daley's record on critical issues like race and peace is lacking. He followed his President and he follows his voters, without making much of an attempt to sort out the complications of modern politics in order to offer a leadership of hope and understanding. He is the old, infinitely pliable politician, and more independent principles seldom shine through. Although it is unlikely that municipal government will ever solve racism or poverty, Daley obviously could have moved in these areas more vigorously, leaving aside the deficiencies of his style. Dr. King observed in 1966 that he had never seen in Alabama such hatred as he encountered in Chicago. Chicago would be a healthier city had Daley won only 60 per cent of the vote—if that loss of support meant real gains for poor and black people.

There is also at least a tinge of authoritarianism in the Daley Organization. The demonstrators in 1968 felt its harsh methods, and many Chicagoans are helplessly excluded and hurt in less dramatic ways for not going along. Homeowners and storekeepers who insist on displaying signs for non-Organization candidates are sometimes beset with frequent visits from the city fire and building inspectors. Political dissenters with college degrees can move on (perhaps to write book reviews in Washington), but others must painfully learn to live with the Organization and play by its rules.

The Selling of a Book Mayor

Daley's moral leadership failures and his widely publicized methods of political control seem obvious enough to most people who will read the Gleason and Royko books, and yet these faults seem highly abstract to most of his supporters in Chicago. Totalitarianism, for example, often looks from within like a mixture of glorious unity and extraordinary leadership; and this tends to be true in Daley's city. Chicago works: it is not bankrupt, the garbage is collected, and public employees report to work except on election day.

Alternatives to the Mayor have been tested. The 1971 election pitted against him a candidate who promised an immediate attack on poverty and racism. A liberal Democrat running as a Republican, Richard Friedman labored to build a coalition of Republicans, liberal Democrats, Jews, and blacks. He campaigned forthrightly and was endorsed by such disparate personalities as millionaire insurance man W. Clement Stone, the 1968 Illinois Nixon chairman and author of *Success Through PMA – A Positive Mental Attitude*, and Jesse Jackson, the national chairman of the Southern Christian Leadership Conference's Operation Breadbasket: Daley beat Friedman soundly, carrying 48 of the 50 wards, including every black, Jewish, and Republican ward.

Both authors anticipated these election returns. Royko's book is on the bestseller lists, while Gleason's remains obscure. Differences in writing ability account for some of these sales. But more important, sociologically, is that those who are able to and do buy hardcover books enjoy finding Daley both laughable and contemptible—and Royko excels at serving this menu.

Many of these same people hope to defeat Richard Nixon in 1972 and count on substantial majorities from white, working-class Democrats. They would be well advised to spend less time ridiculing Richard Daley and more time trying to comprehend the man and the voters who sustain him. Issue-oriented campaigns don't have to lose, but they almost always do unless the issues are personalized—unless they are made real at the level of Daley's everyday politics, where a lot of voters reside.

We still await a truly good book on either Daley or the Democratic Party of Chicago. ■

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POLITICAL BOOK NOTES

This section lists public affairs books scheduled for publication this month. Publishers who want descriptions of their books included should notify us two months in advance and provide a brief (50 words or less) objective summary of the contents.

America, Inc.: Who Really Owns and Operates the United States. Morton Mintz and Jerry S. Cohen. Dial, $10.
The authors contend that corporations are private governments which, as effectively as public governments, control our health, our safety, our environment, and our pocketbooks.

American Deserters in Sweden: The Men and Their Challenge. Thomas Lee Hayes. Association Press, $4.95.

America's Black Congressmen. Maurine Christopher. Crowell, $8.95.
Covers the careers and contributions of the 34 blacks who have served in the U.S. Congress through 1970—from Mississippi's Hiram Revels who broke the Senate's color line in 1870 to Brooklyn's Shirley Chisholm.

Being and Doing. Marcus G. Raskin. Random House, $10.

The Case for Participatory Democracy: Some Prospects for the Radical Society. Edited by C. George Benello and Dimitri Roussopoulos. Grossman, $10.
Contributors Sidney Lens, Staughton Lynd, George Woodcook, Greg Calvert, and Martin Oppenheimer probe the historical roots of participatory democracy in Western culture and analyze its application to the problems of modern mass society.

Changing Sources of Power: American Politics in the 1970s. Frederick G. Dutton. McGraw-Hill, $7.95.

The Consent of the Governed and Other Deceits. Arthur Krock. Little, Brown, $8.95.

Coping with Multicrises: Sea Power and Global Politics in the Missile Age. Jonathan Howe. MIT Press, $12.50.
A chronicled analysis of two crises—the Middle East in 1967, Quemoy in 1958—furnishes a framework for the study of U.S., Soviet, and British policy-making processes in multicrisis situations. Discusses the cold war concept of collective security and of U.S. national security policy in a new decade.

The Dark Night of Resistance. Daniel Berrigan. Doubleday, $4.95.

Dateline: Latin America. Nathan A. Haverstock and Richard C. Schroeder. The Latin American Service, $3.

Diplomatic Immunity. Bernardo Teixeira. Luce, $4.95.

Dollar Harvest: The Story of the Farm Bureau. Samuel R. Berger. Lexington Books, $7.95.

The Gang and the Establishment. Richard W. Poston. Harper & Row, $7.95.

Getting Justice: The Rights of People. Stephen Gillers. Basic Books, $6.95.

The Healing of a Nation. David Loye. W.W. Norton, $8.95.

Justice Denied: The Case for Reform of the Courts. Leonard Downie, Jr. Praeger, $6.95.

The Letters of Louis D. Brandeis, Vol. I (1870-1907): Urban Reformer. Edited by Melvin I. Urofsky and David W. Levy. State Univ. of New York Press, $20.
The initial volume of a planned series of five contains over 700 letters selected from thousands of Brandeis letters. Historical and biographical references added.

The New Politics: Mood or Movement. Edited by James A. Burkhart and Frank J. Ken-

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Policy Studies in

Employment & Welfare

SEX IN THE MARKETPLACE

American Women at Work

JUANITA KREPS Job discrimination is a real and continuing problem for women, a fact thoroughly documented in this comprehensive study of women in the labor force. The author examines job opportunities, wage differentials, and changing trends in women's work. The data she has gathered and her conclusions contribute significantly to the on-going national dialogue on women.
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SOCIAL EXPERIMENTATION AND MANPOWER POLICY

The Rhetoric and the Reality

SAR A. LEVITAN and ROBERT TAGGART III As federal manpower programs expand and new ones are initiated, the need for accurate evaluation of their performance becomes increasingly important. This study attempts to distinguish between the rhetoric and reality of social experimentation, and in the process it shows how inadequacies in present evaluation procedures can be corrected. $6.00, $1.95 paper

THE ROLE OF THE PRIVATE SECTOR IN MANPOWER DEVELOPMENT

CHARLES A. MYERS Since the private sector accounts for over four-fifths of the total employed labor force, it plays the major role in recruiting and training manpower at all occupational levels. Professor Myers analyzes the experiences of private firms in developing manpower in a variety of occupations and calls for more research into the area of private manpower development.
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drick. Prentice-Hall, $7.95.

Old Age: The Last Segregation. Claire Townsend. Grossman, $6.95.
A study of the nation's nursing homes by a team of Nader's Raiders, who have all worked in nursing homes and seen first-hand the treatment accorded the aged and ill.

Poisoned Power: The Case Against the Nuclear Power Plants. John W. Gofman and Arthur R. Tamplin. Rodale Press, $6.95.

The Politics of Participation in Poverty: A Case Study of the Board of Economic and Youth Opportunities Agency of Greater Los Angeles. Dale Rogers Marshall. U. of California Press, $8.00.
Focuses on the poor as members of the board of a local community action agency and discusses what happens to their political views and to their attitudes toward governmental agencies as their own aspirations and self images are changed.

The Politics of Twentieth-Century Novelists. Edited by George Panichas. Hawthorn, $12.95.

Ready for the Defense. Martin Garbus. Farrar, Straus & Giroux, $7.95.

Red Power: The American Indian's Fight for Freedom. Alvin M. Josephy, Jr. American Heritage Press, $6.95.

Regulating the Poor: The Function of Public Welfare. Frances Fox Piven and Richard A. Cloward. Pantheon, $10.

Revolution Next Door: Latin America in the 1970s. Gary MacEoin. Holt, Rinehart & Winston, $6.95.
The author says that both Catholic reformers and Maoist communists see the U.S. in a colonialist role, piously offering birth control information and counter-insurgency training to stem the rising tide of popular discontent.

A Search for Justice. Edited by John Seigenthaler. Aurora, $10.95.

The Tortured Americans. Robert Burnette. Prentice-Hall, $7.95.

The Trouble with Americans. Alexander Campbell. Praeger, $6.95.

Up Against the Corporate Wall: Modern Corporations and Social Issues of the Seventies. S. Prakash Sethi. Prentice-Hall, $8.95.

The Urban Reader. Edited by Susan Cahill and Michele F. Cooper. Prentice-Hall, $8.95.

The Water Lords. James M. Fallows. Grossman, $ 6.95.
A Ralph Nader Study Group Report on industry and environmental crisis in Savannah, Georgia.

Wider War: The Struggle for Cambodia, Thailand and Laos. Donald Kirk. Praeger, $10. ■

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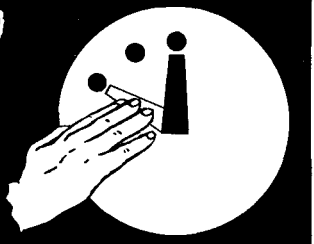

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"Where were the sons of all the big shots who supported the war? Not in my platoon."

"I hated the idea of the communists taking over Southeast Asia.... I was full of opinions and knew nothing."

"If you need forty acres for an airstrip . . . you turn the jets and B-52s loose. Then we announce accidental deaths."

"I only pray that nothing ever happens again . . . . I know I couldn't handle it. Not twice in a lifetime."

"Maybe the only damn thing I got out of it was life."

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"The thing I remember most was the sense of being forgotten and deserted."

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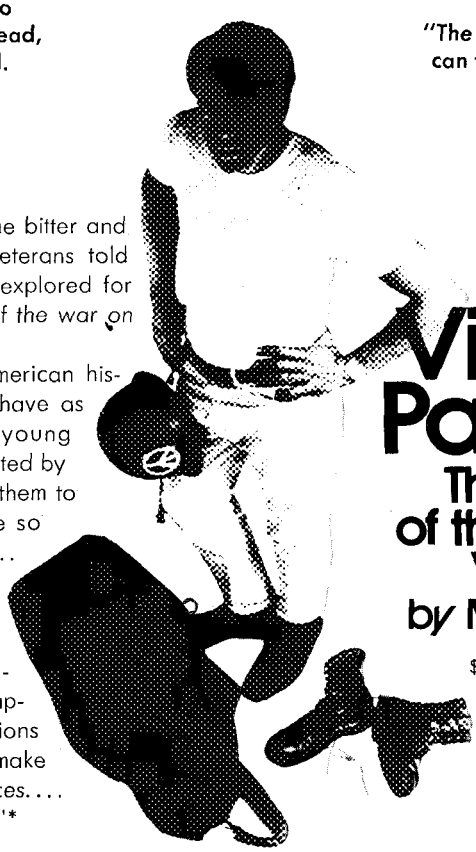

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